

FULTON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

May 2, 2012 - 10:00 a.m.

Assembly Hall
Fulton County Government Center
141 Pryor Street SW
Atlanta, Georgia 30303

MINUTES

This document is tentative, has not been ratified or approved by the Board of Commissioners, and is not binding on the County or any officer.

Scheduled date for ratification: June 5, 2012

CALL TO ORDER: Chairman John H. Eaves

10:03 A.M.

ROLL CALL: Mark Massey, Clerk to the Commission

John H. Eaves, Chairman (District 1, At-Large)	PRESENT
Emma I. Darnell, Vice Chair (District 5)	PRESENT
Robert L. "Robb" Pitts, Commissioner (District 2, At-Large)	PRESENT
Liz Hausmann, Commissioner (District 3)	PRESENT
Tom Lowe, Commissioner (District 4)	PRESENT
Joan P. Garner, Commissioner (District 6)	PRESENT
William "Bill" Edwards, Commissioner (District 7)	PRESENT

Also present were Zachary Williams, County Manager; R. David Ware, County Attorney; Larry Ramsey, Deputy County Attorney; Corey Adams (Chief of Staff – Vice Chair Darnell's Office); Emil Runge (Senior Policy Administrator – Chairman Eaves' Office); Harriet Thomas (Chief of Staff – Commissioner Pitts' Office); Edward Leidelmeijer (Chief of Staff – Commissioner Hausmann's Office); Jonathan Coulburn (Commissioner Lowe's Office); Terry Allen (Commissioner Garner's Office); Deloris Baskin (Chief of Staff - Commissioner Edwards' Office); Zina Miller and Lisa Carter (County Manager's Office); Patrick O'Connor and Sharon Whitmore (Finance Department); Randy Beck and Morgan Ellington (Planning and Community Services); Jessica Corbitt (Communications Department); Brenda Harris, Chad Carlisle, and Nikki Peterson (Clerk's Office); and Donna Parillo (Dynamic Court Reporting).

INVOCATION: Reverend Clifton Dawkins, Jr., County Chaplain

PLEDGE OF ALLEGIANCE: Recite in unison

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CONSENT AGENDA

Board of Commissioners

12-0343 Adoption of the Consent Agenda - All matters listed on the Consent Agenda are considered routine by the County Commission and will be enacted by one motion. No separate discussion will take place on these items. If discussion of any Consent Agenda item is desired, the item will be moved to the Regular Meeting Agenda for separate consideration. (ADOPTED)

A motion was made by Commissioner Garner and seconded by Chairman Eaves to adopt the Consent Agenda (Items #12-0343 through #12-0351). The motion carried by a vote of 5-0-0. Chairman Eaves and Commissioners Pitts, Hausmann, Garner, and Edwards voted yea. Vice Chair Darnell and Commissioner Lowe did not vote.

Chairman Eaves - "Good morning. Good morning, ladies and gentlemen. Thank you so much for gracing us with your presence for this Board Meeting. I'm John Eaves, the Chairman of this very distinguished body of Commissioners. I'd like to welcome all of you to our Board Meeting. Our Clerk, Mark Massey, as our custom, will do a roll call of the Commissioners followed by an invocation by our Chaplain, Reverend Clifton Dawkins. Mr. Massey."

Mark Massey, Commission Clerk - "Chairman John Eaves."

Chairman Eaves - "Present."

Clerk Massey - "Vice Chair Emma Darnell. Commissioner Robb Pitts."

Commissioner Pitts - "Present."

Clerk Massey - "Commissioner Liz Hausmann. Commissioner Tom Lowe. Commissioner Joan Garner."

Commissioner Garner - "Present."

Clerk Massey - "Commissioner William 'Bill' Edwards."

Commissioner Edwards - "Present."

Clerk Massey - "Mr. Chairman, you have a quorum."

Chairman Eaves - "Thank you, Mr. Massey. Ladies and gentlemen, let's stand, please, for the invocation, followed by the Pledge of Allegiance."

(Whereupon, invocation was given by Reverend Clifton Dawkins, Jr., immediately followed by the Pledge of Allegiance recited in unison.)

Mark Massey, Commission Clerk - Page 2. Consent Agenda. **#12-0343.**
Adoption of the Consent Agenda. All matters listed on the Consent Agenda are considered routine by the County Commission and will be enacted by one motion. No separate discussion will take place on these items. If discussion of any Consent Agenda item is desired, the item will be moved to the Regular Meeting Agenda for separate consideration."

Chairman Eaves - "Is there a motion to approve?"

Commissioner Garner - "So moved."

Chairman Eaves - "Second. Let's vote."

Clerk Massey - "The motion to adopt today's Consent Agenda passes. Five yeas, zero nays."

12-0344 Proclamations for Spreading on the Minutes (SPREAD ON THE MINUTES UPON APPROVAL OF ITEM #12-0343)

"The 69th Gala Conclave Day"
April 20, 2012 (**Edwards**)

"Administrative Professionals Week"
April 22-28, 2012 (**Garner**)

Intergovernmental Affairs

12-0345 Request approval of the following two related items: (A & B APPROVED UNDER ITEM #12-0343)

A) Approval to accept the U.S. Department of Justice FY 2012 Edward Byrne Memorial Justice Assistance Formula Grant (JAG) in the amount of \$157,319.25;

B) Approval of a Memorandum of Understanding between Fulton County and the City of Atlanta regarding the allocation and

administration of the JAG award to fund six programs to prevent or reduce violent crime.

Office of the Child Attorney

- 12-0346** Request approval to enter a Subcontract for Client Services between the Atlanta Volunteer Lawyers Foundation, Inc. (AVLF) and the Fulton County Office of the Child Attorney to support the One Child One Lawyer Program. The total amount of the grant is \$99,970; the term of the grant is October 1, 2011, through September 30, 2012. \$74,977.50 (annualized and paid monthly) will be paid to AVLF through the Promoting Safe and Stable Families Program Grant. Upon execution of the subcontract, the remaining monies will pass through Fulton County to the One Child One Lawyer Program. The Fulton County Office of the Child Attorney has been approved by Fulton County DFCS to provide an in-kind match of \$24,992.50 (annualized) for the duration of the subcontract. (APPROVED UNDER ITEM #12-0343)

Registration and Elections

- 12-0347** Request approval of Proposal Numbers 01/12R through 248/12R for annexations and precinct boundary line changes within Fulton County, as a result of reapportionment of Congressional, State Senate, and State House Districts. Pursuant to Georgia Election Code Sections 21-2-261 and 21-2-262, precinct boundary line changes require the approval of the county governing authority. (APPROVED UNDER ITEM #12-0343)

Water Resources

- 12-0348** Request approval for the Department of Water Resources (DWR) to enter into the consent agreement with the Georgia Public Service Commission (GPSC) for five (5) staff members of the DWR to attend a training class as recommended by the GPSC. This is one of four options available under the consent agreement. (APPROVED UNDER ITEM #12-0343)

Housing and Human Services

- 12-0349** Request approval to accept the Substantial Amendment to the Consolidated Plan 2012 Action Plan for the Emergency Solutions Grant - Homeless Prevention and Rapid Re-Housing in the amount of \$49,768. These funds will be used to provide financial assistance, housing relocation, and stabilization services to households either homeless (to receive rapid re-housing assistance) or at risk of losing its housing. (APPROVED UNDER ITEM #12-0343)

Facilities and Transportation

- 12-0350** Request approval of First Amendment Commercial Lease Agreement between Holder/Royal 400 I LLC (Landlord) and the Fulton County Office of the Tax Commissioner (Tenant), a political subdivision of the State of Georgia, for an additional 1,171 square feet of office space located at 3159 Royal Drive, Suite 305, in Alpharetta, Georgia. (APPROVED UNDER ITEM #12-0343)

Planning and Community Services

- 12-0351** Request approval to accept a grant from the United States Tennis Association Fresh Courts program in the amount of \$75,000. This grant is 100% funded by the USTA and no matching funds are required. (APPROVED UNDER ITEM #12-0343)

REGULAR MEETING AGENDA

Board of Commissioners

- 12-0352** Adoption of the Regular Meeting Agenda. (ADOPTED)

A motion was made by Chairman Eaves and seconded by Commissioner Garner to adopt the Regular Meeting Agenda as amended to add a Proclamation to Item #12-0354, add Item #12-0376, and change Item #12-0367 from action to discussion. The motion carried by a vote of 6-0-0. Chairman Eaves, Vice Chair

Darnell, and Commissioners Hausmann, Lowe, Garner, and Edwards voted yea. Commissioner Pitts was present but did not vote.

Mark Massey, Commission Clerk - "On page 4, Regular Meeting Agenda. **#12-0352**. Adoption of the Regular Meeting Agenda. Mr. Chairman and members of the Board, we do have a few requests for add-ons and one correction. The first item to add is a proclamation sponsored by Vice Chair Darnell. That's item **#12-0375**. Proclamation recognizing World Asthma Day, May, 2012. And Commissioner Edwards would like to add a Commissioners' Item. **#12-0376**. Discussion. Explain the difference between a health fair and a health resource fair. And a Commissioners' Item co-sponsored by Chairman Eaves and Commissioner Garner. On page 8, that's item **#12-0367**. As opposed to the way that that item is presented on the Agenda for action, this item should be replaced as a discussion item regarding the previous related item, **#12-0233**."

Chairman Eaves - "Move approval."

Commissioner Edwards - "Point of order."

Chairman Eaves - "Is there a second?"

Commissioner Garner - "Second."

Chairman Eaves - "Commissioner Edwards."

Commissioner Edwards - "I would like to find out, as we go forward, I know that this item, **0367** has been changed to be masked to look like something else. I would like to ask you, Mr. County Manager, is this your recommendation today?"

Mr. Zachary L. Williams, County Manager - "Mr. Chair, to the Commissioner. This item is not before you by the County Manager. I presented in several previous occasions my recommendation, which was to award this vendor this contract."

Commissioner Edwards - "So you have not recommended it be on the Agenda for today as a County Manager's item."

Manager Williams - "That's correct."

Commissioner Edwards - "Mr. Parliamentarian, what is the rule, as it states, as it relates to the County Manager's items being put on and the ability of anybody on this Commission to bring back such an item without the County Manager's request?"

Mr. R. David Ware, County Attorney - "When the County Manager removes an

item from the printed Agenda, he can only do so with Board approval. As it relates to whether or not a member of the Board may put an item on the Agenda, a member of the Board can put any item on the Agenda that that Board member desires, in their own name, as a Commissioners' item, or as a discussion item."

Commissioner Edwards - "We're not talking about a discussion item. I'm talking about as a Commissioners' Item."

Attorney Ware - "As a Commissioners' item, if the two sponsors of the item decide to put it on the Agenda, there's no prohibition on the coming -- being placed on the Agenda by those two sponsors."

Commissioner Edwards - "In the procurement that we have, does any Commissioner up here have any say-so in a procurement?"

Attorney Ware - "In the normal procurement process --."

Commissioner Edwards - "No, not the normal. I'm talking about what the law says."

Attorney Ware - "Yes, sir. Under the procurement process, procurements come to the Board as a recommendation from the Manager. The Board has three options. Accept the recommendation, go to the second vendor in an RFP situation, or reject all proposals. So it comes up from the Manager as a recommendation."

Commissioner Edwards - "In your knowledge, have you ever seen a time -- and you can weigh in on this, County Manager -- where a procurement that has not been approved by this Board has been brought back by a member of this Board?"

Attorney Ware - "I don't recall seeing that. No, sir."

Commissioner Edwards - "Okay."

Chairman Eaves - "Let me just -- Commissioner Garner."

Commissioner Garner - "I wasn't -- if I remember correctly, this item, there was no action taken on it at all. It didn't have enough votes to be approved or denied."

Attorney Ware - "That's correct."

Commissioner Garner - "So in that case, can a Commissioner bring an item back to this Board for discussion to bring some resolution to this item?"

Attorney Ware - "There are two things, Commissioner Garner. If there's no action by the Board, according to the Post Agenda Minutes, the item was held. Or

merely, that means it automatically goes to the next Board Meeting, unless it's a Commissioners' Item where after three meetings it can be removed. So, yes, an item can be brought back by anyone to be put on the Agenda. Whether or not action is taken or what the Board does with it, it's a different question. But yes, you can put an item on the Agenda."

Commissioner Garner - "So it's up to this Board to make the decision about yea or nay. . . ."

Attorney Ware - "Correct. As --."

Commissioner Garner - ". . . if it's brought back for a discussion."

Attorney Ware - "And as you're doing now, is you're deciding whether or not to approve the Agenda. If the Board decides not to approve the Agenda as printed, you can take the item off, just like you can add an item on."

Commissioner Garner - Thank you."

Chairman Eaves - "So again, just to restate, Mr. Ware. We are not prohibited from putting an item on the Agenda."

Attorney Ware - "You're not prohibited from putting an item on. No, sir."

Chairman Eaves - "No action was taken on this in previous meetings; right?"

Attorney Ware - "No action has been taken on this item. No final action was taken."

Chairman Eaves - "All right. So, colleagues, this item is being placed on the Agenda for us to discuss it, and to possibly have some finality to this Agenda item."

Vice Chair Darnell - "Mr. Chairman."

Chairman Eaves - "Yes, Commissioner Darnell."

Vice Chair Darnell - "I'd like to get some clarity from the County Attorney with respect to not an item, but a recommendation with respect to the expenditure of funds for procurement. Do the procurement regulations provide a process for the Board to receive and make decisions about a procurement?"

Attorney Ware - "It does."

Vice Chair Darnell - "Does that process allow for the interference of a Commissioner in that process by making a recommendation to this Board that has not come from the County Manager?"

Attorney Ware - "Process only contemplates a recommendation from the Manager."

Vice Chair Darnell - "With respect to a procurement, do I understand you to say that a matter is not properly before this Board unless it has been recommended by the County Manager. I'm speaking only of procurements."

Attorney Ware - "As it relates to an RFP, our process requires the Manager to put a recommendation on the Agenda for Board consideration."

Vice Chair Darnell - "All right. Well if that is the law and the rule, applying it to this situation, does this mean in the future if I wish to have this Board vote on a procurement, I can place that item on this Agenda whether or not the County Manager and his staff have recommended it or not?"

Attorney Ware - "You cannot put it on as a recommendation from the Manager. You can put an item on for consider --."

Vice Chair Darnell - "No, as a recommendation from me. My name is signed on the Agenda item."

Attorney Ware - "No, ma'am. The process doesn't contemplate a Commissioner making a recommendation on a procurement item."

Vice Chair Darnell - "Did I understand you to say that it is not consistent with our rules that a Commissioner would make a recommendation on a procurement?"

Attorney Ware - "Under our rules, no, ma'am, that's not consistent."

Vice Chair Darnell - "All right. I have concern about this, Mr. Chair and members of the Board, only because of the precedent. I'm prepared to vote on this item and any other item. I don't want us to establish a precedent that a Commissioner can interfere in the process of considering a procurement. I think this is how we slowly get to a point in our operations that raise questions. I think that with respect to procurements, I'm just talking about procurements, I think that we should follow the process. If the County Manager does not recommend a particular procurement, then I believe we have several options. We have several options. We can vote to go to the next contractor. We can vote to reject all bids, insofar as that procurement is concerned. But I just don't want us to get in a practice of any Commissioner can put a procurement item on this Agenda and we vote for it. Now, normally, if it's any other item except procurement, I don't believe there's any restriction on my being able to put that item on the Agenda. As you notice, I do put quite a few items on. But I've never put a procurement on because one of the reasons is we have a purchasing order that prescribes the steps that we have to take. And I've never seen how I could go around the staff recommendation. That's

my position."

Chairman Eaves - "Commissioner Hausmann, Commissioner Garner."

Commissioner Hausmann - "Mr. Ware, so if this item is classified as a discussion item rather than an action item, would that satisfy your concerns that you just outlined?"

Attorney Ware - "In terms of a discussion item, obviously a Commissioner can put any matter on as a discussion item. Now that's different from the question of whether or not it is on as a procurement item to be voted on whether or not to award a contract. But it could be on the discussion item. Yes, ma'am."

Commissioner Hausmann - "So this is quite an unusual situation. It's been before us three times, I believe. Is that correct?"

Attorney Ware - "At least three."

Commissioner Hausmann - "Okay. So we have one library project that we have not selected a contractor for; correct?"

Commissioner Edwards - "No."

Attorney Ware - "Construction Manager, I think is what --."

Commissioner Hausmann - "Construction Manager. Okay. So we have one project that is still somewhat in limbo that we need to deal with. So --."

Commissioner Edwards - "Two."

Commissioner Hausmann - "If we don't discuss it, how will we decide what to do with it? So for that reason, I'll support the change to the Agenda."

Chairman Eaves - "All right. Commissioner Garner."

Commissioner Garner "That was my point. That was my point precisely, that this action is on the Agenda to be discussed. And it's on the Agenda to be discussed because we did not come to some conclusion. This library happens to be in District 6. I am really wanting us to come to some conclusion about the direction that we want our County Manager to go in. This item was brought to this Board by the County Manager, so I didn't pull this item out of the sky as a new item or recommendation of a vendor without -- just willy-nilly. This item was brought as a recommendation for approval by the Manager. It went through the procurement process. So this is a situation that is not, I don't think unique. It's just that there was no action taken. And it is here for discussion so that we can determine which direction to move in. Thank you."

Chairman Eaves - "Commissioner Pitts, Commissioner Edwards."

Commissioner Pitts - "I have a couple of observations to make on this. And first, I want to say, Mr. County Attorney, Mr. Manager, I need your attention, and colleagues, because I have some background in parliamentary procedure. And the reason that I raised the issue that I did at the last meeting and disagreed with your ruling on whether or not it was actually properly before us, two points I want to make. One will deal with the process that's before us, and the other from a parliamentary point of view. The second I want to deal with from a purchasing procurement point of view. As far back as the early 1700s when groups met, they recognized that there was a need to have rules and regulations for public debate on issues. Deliberative bodies, whether it's a community meeting, a senior citizens group meeting, you have to have rules and regulations. The reason for this, they wanted rules, they wanted some structure, they wanted some form, they wanted some process, and even to the extent of being civil to each other during the discussion of issues. And whenever there was anything that was unclear, common sense prevailed. Through the years, this evolved into Robert's Rules of Order. From the point of view of our policies and procedures, outside of Robert's Rules and Orders, it was clear that this particular, and let me state once again. My issue, I have no issue whatsoever with C.D. Moody, C.D. Moody's company, C.D. Moody's quality of work, any of that. That's not the issue. What I'm concerned about is how we proceed as a deliberative body that we be consistent is that your rulings, Mr. County Attorney, Mr. Parliamentarian, also be consistent. And when you make the statement, whoever made the statement that because no action was taken, that means it fails. If you make a motion and it does not get the requisite four votes, it fails. Period. There's no discussion. I don't agree with that, but that's the way it is. The Clerk has ruled consistently on that point. So if something is before us and it does not receive the four -- even if it doesn't get a second, it still fails. Frequently you will hear either the Clerk say or the presiding officer say, fails for lack of a second. Fails means it doesn't pass. Period. Now I don't know how much more elementary I can make it than that. Now Mr. County Attorney, who also serves as our parliamentarian, if you disagree with something that I'm saying, please stop me. Because I think I'm right on this. I've had the privilege of presiding for many, many years and took pride in knowing and following procedures. What I don't want us to do is to start making rules and regulations and changing policies and procedures just to suit a particular vendor that may be before us at a point in time. That will destroy the credibility of this body, as a deliberative body, and I'm going to fight that with everything that I have to make sure that that does not happen. You cannot base our votes on which Commissioner is present, which Commissioner is not present, which Commissioner supports a particular contractor, which Commissioner supports a particular individual. That will destroy this body, and that will also put us in a very precarious position from the point of view of the Federal Bureau of Investigation if you start screwing around with the purchasing process. Is Ms. Whitaker here? Where is Ms. Whitaker? Would you come down, please? So I urge us, strongly

urge us to abide by Robert's Rules of Order and have a clear understanding -- if this issue before us, now you want to change it from approving it today to just discussing it, that's okay. That's the way it should have been on there in the beginning. But to circumvent the process to get it before us in an illegal manner is completely wrong and will cause us some problems down the road. If you want to change it to a discussion, no vote, just to discuss it, what happens in purchasing, and you should know this. If you're sitting up here you ought to know this. When a recommendation is made to us for a procurement, we have three options. One is to approve it. The second is not to approve it. And if you do not approve what is recommended, you have the option of going to the next bidder. And lastly, you can rebid. That's it. Now, Ms. Whitaker, would you state how Purchasing is carried out, to the best of your knowledge? If I'm incorrect, tell me. When you make a recommendation to us, this Board, we have three options. We can accept it as is presented. We cannot accept it. And if we do not accept it, we have the option of going to the next bidder assuming it's reasonable, or you can rebid."

Ms. Felecia Strong-Whitaker, Purchasing Department - "Correct."

Commissioner Pitts - "Am I correct or incorrect?"

Ms. Strong-Whitaker - "You are correct. That's how I understand it."

Commissioner Pitts - "So what I would say to you, ladies and gentlemen, we've not exercised all of the options that are before us. The first one being to go to the next bidder. I don't know who that is, but typically there's a raise. If there's a raise -- if the second bidder is 100 percent higher than the low bidder, then obviously we're not going to do that. But if there's a reasonable range, there's history and precedent for doing that. But to keep bringing it back, because at some point there has to be an end to a particular procurement that's before us. If not, this can go on forever. We can be right here next year if there's not an end to this at some point. If some side does not get four votes, this can go on forever and forever and forever, and nothing gets done. And that's contrary and counter to all deliberative bodies and how they work. So I would urge us to tread very carefully with this. If you want to discuss it later on today, that's fine. But be weary and be aware of what you may be doing in terms of the reputation of this body. Thank you."

Chairman Eaves - "Commissioner Edwards."

Commissioner Edwards - "Let me just piggyback on -- and Commissioner Hausmann, it's two, not one, that's still outstanding. And Commissioner Garner, I don't have any problem discussing this. I'm prepared to discuss anything y'all want to discuss on this table today. I've got no problem with that. But what I do have a problem with is, when I got my Agenda Friday it read requesting approval of recommended proposer. That's what it reads. Now, Mr. Manager and Mr. Attorney, I don't have to ever be reminded of the fact that four votes can change anything. That's a given. Tell me the law. Tell me the procedures. That's what I

want to hear. She sat up here and amen'd everything that Mr. Pitts said. And Mr. Pitts is right. He's absolutely correct. But here's what I don't like. If you knew it was wrong when you put it on here, why didn't you correct it then? If you knew it -- if somebody could not bring it to us in this form, why didn't you correct it then and take that out and put discussion? No, somebody fiddle-faddled around with it this morning and decided it was wrong and decided to put it on this way. I'm not crazy; that's what happened. I don't like these double standards. You tell me something -- I was telling John the other day. I said, when they tell me something I can't do, I just walk away and don't do it. But it seems like everybody else just gets what they want done. You're circumventing the process. And the other thing you're doing is, you're subjecting Mr. Moody. Mr. Moody is a fine person, but you're subjecting Mr. Moody in a discussion that we don't really need to have. You've hung him out on the cross. So I'm going to tell you, I don't play with this procurement, man. We have a process for this stuff. I let the process work, and that's all I'm going to do. I'm not going to get caught up in this. And you openly admitted the time you were here you had never seen it before. I've been here 12 years. I've never seen it before. I hate to turn to Darnell over here and ask her has she's ever seen it before, and she's been here longer than -- almost as long as Tom Lowe."

Vice Chair Darnell - "Watch it."

Commissioner Edwards - "So my thing is -- now you put all that together and you cut that part, Mr. Attorney. Put everything I said together. It doesn't take a rocket scientist to know what's going on. It's a lot of first times for a lot of things going on up here. So I would suggest to you, knowing that the Board can change anything with four votes, that your discussion with any one of us that you say, here is the law, here is the policy, here's what you can and cannot do, I'm telling you, and let it go. So there's just some finagling up here I don't like. I'm prepared to discuss it. I don't have any problem discussing it. I'll discuss it until the cows come home. But it's just the fact that the way it was presented. And it's the perception. See, that's what we're dealing with. We're dealing with the perception that we're finagling with stuff, and I don't like that. Because when it comes down, I'm going out the door. It's the perception that we're giving that we shouldn't be giving. And it's not good. Those of us up here who try to do the right thing, it's not good for us to be caught up in the perception of things. Thank you."

Chairman Eaves - "Ladies and gentlemen, let me just kind of give you a little bit of perspective on what's happening right now. There was an open procurement process for some work to be done on our new libraries. Bids were received or proposals were received from a variety of contractors. We have a selection panel that reviews the proposals, and there's a rating system in place. And the vendor that has the highest score is the one that is ultimately recommended through the County Manager to the Board of Commissioners for a vote. We've had this item on the Agenda for at least the past three meetings. There were not four votes that were cast one way or the other to approve or to deny this contract, or this recommendation. And so, according to our rules, when there are three

opportunities for something to be decided upon, it goes off the Agenda. The Board of Commissioners, we have the ability to add something back to the Agenda, and that's what we're doing today. We're adding something back to the Agenda for discussion. And that's all we're doing. There's a recommendation that has been made by the initial Selection Committee. We have nothing to do with the Selection Committee. They are chosen within our staff -- our County Government staff, and they recommended this vendor. They recommended this vendor for approval. And again, there weren't four votes during some of our previous meetings to decide yes or no. And so, we're having discussion today for some possible finality to this whole issue. And we have the right to bring this up. And all this references about FBI and breaking the law and all this other stuff, it's nonsense. There was a recommendation that was made by our Selection Committee, and that's what's before us today. So we have an Agenda item to be added for discussion. I've heard some of the Commissioners say they're okay with it. Well, let's discuss it. We discuss it, and so let's approve this Agenda so we can move forward. Any further --."

Vice Chair Darnell - "I think since we are recapping the facts, perhaps we might indicate that when an item comes before this Board and does not receive four votes and it's a procurement item, then that item is considered dead. As Commissioners, it's our job to make the final decision about procurement contracts, but we don't have the authority to interfere in the procurement process. That's what happened here. Commissioners, intentionally or unintentionally, did not put this item on the Agenda for a discussion originally. It was put on for action in total disregard of the law and the procedure of this Commission. Just because I'm a Commissioner does not mean I can ignore the law. I have no authority to call the Clerk and tell him to put a procurement item on for a vote, according to the County Attorney. I think the problem has been corrected by adding to the Agenda -- I haven't seen that -- a discussion item. And, of course, we can discuss the item appropriately. But I think that, Mr. Chairman, in your recap of the facts we probably need to point out that if Commissioners do not stay within the bounds of our authority, then it's nothing the County Attorney or the County Manager can do. Of course, I've always believed that whether you are elected or non elected, do what's right. Just because the Commissioner asked you to do something and you know it's wrong, it's no excuse. But I think that if we proceed, as I noticed from the Agenda as a discussion item, I'm comfortable based on what the County Attorney said that we will be proceeding in a manner that is in accordance with the law. Thank you, Mr. Chairman."

Chairman Eaves - "You're welcome. Let's vote, Commissioners."

Clerk Massey - "It's a motion to adopt today's Agenda, as amended. That motion passes. Six yeas, zero nays."

12-0353 Ratification of Minutes. (RATIFIED)

Regular Meeting Minutes, April 4, 2012
Recess Meeting Post Agenda Minutes, April 18, 2012

A motion was made by Commissioner Edwards and seconded by Chairman Eaves to ratify. The motion carried by a unanimous vote of 7-0-0. Chairman Eaves, Vice Chair Darnell, and Commissioners Pitts, Hausmann, Lowe, Garner, and Edwards voted yea.

Mark Massey, Commission Clerk - "#12-0353. Ratification of Minutes. Regular Meeting Minutes, April 4, 2012, and Recess Meeting Post Agenda Minutes, April 18, 2012."

Commissioner Edwards - "Move approval."

Chairman Eaves - "Second. Let's vote, Commissioners."

Clerk Massey - "The motion to ratify the minutes passes. Seven yeas, zero nays."

12-0354 Presentation of Proclamations and Certificates. (ALL PRESENTED)

Proclamation recognizing "Mental Health Month." **(Darnell)**
(PRESENTED)

Proclamation recognizing "Older Americans Month." **(Darnell/BOC)**
(PRESENTED)

*Proclamation recognizing "World Asthma Day."
May 2012 **(Darnell) (PRESENTED)**

Proclamation recognizing "Asian Pacific American Heritage Month."
(Pitts)
(PRESENTED)

***THIS PROCLAMATION WAS ADDED UPON THE ADOPTION OF THE AGENDA.**

Mark Massey, Commission Clerk - "#12-0354. Presentations of Proclamations and Certificates. The first item is sponsored by Vice Chair Darnell. Proclamation recognizing Mental Health Month."

(Whereupon, the proclamation was presented.)

Clerk Massey - "The next proclamation is sponsored by Vice Chair Darnell, along with the full Board of Commissioners. Proclamation recognizing Older American Month."

(Whereupon, the proclamation was presented.)

Clerk Massey - "The next proclamation is sponsored by Commissioner Pitts. Proclamation recognition Asian Pacific American Heritage Month."

(Whereupon, the proclamation was presented.)

PUBLIC HEARINGS

Board of Commissioners

12-0355 Public Comment – (CONDUCTED)

4 Speakers: Mr. Jerry Myer Jackson, Jr. (MARTA Transportation); Mr. David Deganian (EPD Resolution Support); Ms. Vangie Watkins (Opposition to the Transportation Investment Act of 2012 referendum); and Mr. Ben Howard (Aging Veterans).

Mark Massey, Commission Clerk - "Public Hearings. Board of Commissioners. **#12-0355**. Public Comment. Speakers will be granted up to two minutes each and Public Comment will not exceed --."

Chairman Eaves - "Mr. Clerk, before you complete the sounding of this item, Commissioner Garner has a comment that she would like to make."

Commissioner Garner - "Yes, Mr. Chair, I'd like to take a Point of Personal Privilege here. As many of you know, this past weekend the Association of County Commissioners of Georgia had their annual conference. I was in attendance. And part of their conference is honoring the work, the very hard work of many of the Commissioners across the State, as well as certain employees. And so, it is my pleasure to share with you today that our very own Fulton County Clerk to the Board of Commissioners, Mark Massey, was honored as Clerk of the Year by his peers. So let's give him a round of applause."

(Whereupon, there was a round of applause)

Commissioner Garner - "Thank you for a job well done, Mr. Massey."

Clerk Massey - "Thank you."

Commissioner Lowe - "Best one in the State."

Chairman Eaves - "Congratulations."

Commissioner Lowe - "Giving credit where credit is due."

Mark Massey, Commission Clerk - **#12-0355**. Public Comment. Speakers will be granted up to two minutes each, and Public Comment will not exceed 15 minutes. Mr. Chairman and members of the Board, we have received four speaker cards. Mr. Jerry Myer Jackson, Jr., Mr. David Deganian, Ms. Vangie Watkins, and Mr. Ben Howard. If you would all four please come down at this time."

Chairman Eaves - "Come on down, please. Thank you for being with us today."

Mr. Jerry Michael Jackson, Jr. - "Good morning, President Eaves, and good morning to the Fulton County Board of Commissioners. Some of you might have read the email that I sent to the MARTA GM, Dr. Scott. And I'm once again here to stand and ask for her resignation. I'm very happy with the safe -- unhappy with the safety that is being provided right now to the riding public at MARTA. Let me recap my last speech. On mark 15, just as I paid my fare, Commissioners, just as I swiped my card, the bus operator on Route 74 took off, Commissioner Darnell, throwing me into the top rail of the entrance there at the door. I haven't even got past the yellow line. And then on Monday, following the 15th, as I go to exit the bus coming back from a chiropractic treatment for my injury, on the 15th, as I go to step off the bus the bus is moving and I have to spring at the last minute to jump free of the front of the bus so I'm not run over by the front tire. Now you would think that with two police reports, on the incidences filed by me with MARTA, that perhaps the MARTA GM would have put a little note into the fort, the running board of the drivers. I drove a MARTA bus for ten years. 1980 to 1990. I was a ten-year safe driver, and I can assure you that I never harmed a passenger while I was driving a MARTA bus. Since then, every time I board a MARTA bus I go, would you please wait until I reach my seat after I pay my fare. Do I look like an Olympic athlete standing here? I'm not. And you would think that Dr. Scott, who last time I saw her, doesn't look like Giselle jumping over the turnstiles, that she might be a little sensitive to people getting on and off MARTA buses also. But I want you to know since then. . . ."

Chairman Eaves - "Thank you, sir. Thank you. Thank you, sir."

Mr. Jackson - ". . . I've had two operators. . . ."

Chairman Eaves - "Thank you, sir. Thank you. Thank you."

Mr. Jackson - ". . . to move the bus as I asked them not to."

Chairman Eaves - "Next speaker."

Mr. Jackson - "Two operators to continuing moving the bus when I asked them not to. Thank you, President Eaves."

Chairman Eaves - "Next speaker. Thank you."

Mr. David Deganian, Citizen - "Hi. Good morning, Commissioners. My name is David Deganian. I'm an attorney with Greenlaw. Thank you. I'm speaking today in support of Commissioner Darnell's Resolution asking Georgia's Environmental Protection Division to recognize environmental justice and to institute a policy regarding environmental justice. My work is focused on environmental justice here in metro Atlanta. You may know that the Federal Government EPA has environmental justice policies and laws. Here in Fulton County we have an environmental justice policy, but the piece that's missing is the State Environmental Protection Division, which actually issues permits for air pollution, water pollution, et cetera. Last month, Greenlaw, the firm that I work for, released a report entitled Patterns of Pollution, a report on pollution and demographics in metro Atlanta. We looked at demographic factors and sources of pollution and we found that there is a very strong correlation between the number of minorities, the poor, and those who are not able to speak English well in a number of pollution sources in a close proximity. We also identified specific environmental justice hotspots in metro Atlanta. In the 14-county area, we identified 52 environmental justice hotspots that cover about four percent of the land area in metro Atlanta. Two of the hotspots that are ranked in the top five, meaning they had the most pollution, as well as significant numbers of minorities, the poor and other demographic characteristics are located in Fulton County. The number one hotspot is along Fulton Industrial Boulevard, where there are 55 sources of pollution and the pollution nearby is about 90 percent people of color. The number four hotspot is in west -- or in midtown in the Grove Park neighborhood, and we believe that these areas are specific areas of concern that Georgia's Environmental Protection Division should be looking at. I greatly encourage you to pass this Resolution today as it will --."

Chairman Eaves - "Thank you very much for coming and providing that information."

Vice Chair Darnell - "Thank you very much."

Mr. Deganian - "Thank you for your time."

Chairman Eaves - "Ms. Watkins, you can come forward."

Ms. Vangie Watkins, Citizen - "And good morning to all of you. I'm Vangie Watkins, Fulton County. I'm here to speak in opposition to the TIA, which is the Transportation Investment Act of 2010. I thought we were going to have some Public Hearings, but I don't know what's happened to those. But anyway, to me, when I first heard about it I said, you mean a 21-member executive committee and a 21-member regional committee, and a five-member executive committee is going to determine what projects we support in our area at Fulton County. So that, to me, was kind of backwards. What I'm here to say is that, even though it's a legal mechanism passed by the State, for regions throughout State to impose a one-percent sales tax to fund needed transportation improvement projects, I don't want anybody from the State imposing on Fulton County what projects are needed in our area. And then it has a clause that no counties or cities are permitted to be exempt from the tax if approved by majority of the voters across the entire region. What is this? Twenty -- 15 percent of the projects, as approved, are in south County. 85 percent of the projects that's approved are in north County. And if I vote for none, then everybody else votes to approve them, then that means that taxes are collected from me to pay for projects that are not even in my area. I may be wrong, but somebody can correct me. But that's my logic. So what I'm saying is --."

Chairman Eaves - "Thank you, Ms. Watkins."

Ms. Watkins - "Thank you very much."

Chairman Eaves - "Mr. Howard, come forward, please."

Mr. Ben Howard, Citizen - "Mr. Howard, Commissioners and seniors who have gone, and those that may be left and those that are watching on Channel 21. Ben Howard, Senior Advocate, 1840 Campbellton Road, Atlanta. On the County's website are listed a number of resources for veterans. When the County Commission on Veteran's Affairs is activated, that collection of resources can be expanded. The President of the Atlanta City Council is promoting legislation leading to the City's first ever Commission on Veteran's Affairs. Once that legislation gets passed, the Community Development and Human Resources Committee will be in the hands of the City Council. Continued interaction between the County's Commission on Veteran's Affairs and the City's Commission on Veteran's Affairs can spur interaction among the many agencies and organizations that are working independently on behalf of veterans in this County. A county-led consortium could bring into this County resources from the State and Federal Governments thereby alleviating any undue burden on County residents. In anticipation of your continuing to take the lead in this effort, I thank you on behalf of those veterans who are aging in place in grace. Thank you."

Chairman Eaves - "Thank you, Mr. Howard."

Clerk Massey - "No further speakers."

Chairman Eaves - "Mr. Massey."

ZONING, USE PERMITS, AND ZONING MODIFICATION APPLICATIONS
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Planning and Community Services

12-0356 2012Z-0001 FC Amendment to Article III, Article IV, Article XII, Article XIX and Article XXXIII (HELD)

E & CD Dept.: Recommendation: Approval

CZB: Recommendation: Approval

CLUP: N/A

**Approval: Mr. Clifton Jenkins, Mr. Wallace Linsey Sr.,
Ms. Lynn Jarrett-Gude, Mr. Bruce Moody, Ms.
Susan Maziar, Ms. Rosemary Lawson-Edge,
and Ms. Carla Mannings**

Application by Fulton County to amend the Zoning Resolution pertaining to Article III - Definitions: Food Trucks and Restaurants, Article IV - General Provisions: Retaining Walls, Article XII - Old National Overlay District Streetscape Standards, Article XIX - Administrative Permits: Food Truck and Article XXXIII - Sign Ordinance: Portable Signs.

A motion was made by Commissioner Edwards and seconded by Commissioner Garner to hold for two weeks. The motion carried by a unanimous vote of 7-0-0. Chairman Eaves, Vice Chair Darnell, and Commissioners Pitts, Hausmann, Lowe, Garner, and Edwards voted yea.

Mark Massey, Commission Clerk - "Page 5, Zoning, Use Permits, and Zoning Modification Applications. Planning and Community Services. **#12-0356. 2012Z-0001.** Amendment to Article III, Article IV, Article XII, Article XIX, and Article XXXIII. Staff."

Mr. Randy Beck, Environment and Community Development - "This is a five-part amendment to the Fulton County Zoning Resolution. The Community Zoning Board's recommendation is approval. Since the Community Zoning Board Meeting, the County Attorney's office has requested additional time to clarify a business license concern with this Use Permit -- the proposed Use Permit.

Therefore, staff is recommending a two-week deferral."

Commissioner Lowe - "Move approval."

Chairman Eaves - "Well, before any action, this is a Public Hearing. Anyone present who wishes to speak about this matter? Anyone present who wishes to speak? Close the Public Hearing."

Commissioner Edwards - "Move to hold for two weeks."

Chairman Eaves - "All right. There's a motion to hold for two weeks. Is there a second?"

Commissioner Garner - "Second. Let's vote, Commissioners."

Clerk Massey - "The motion to hold passes unanimously. Seven yeas, zero nays."

12-0357 2012Z-0003 FC Old National Highway (APPROVED AS RECOMMENDED BY STAFF))

E & CD Dept.:	Recommendation: Approval Conditional
CZB:	Recommendation: Approval per applicant
CLUP:	Consistent
Approval:	Mr. Clifton Jenkins, Mr. Wallace Linsey Sr., Ms. Lynn Jarrett-Gude, Mr. Bruce Moody, Ms. Susan Maziar, Ms. Carla Mannings, and Ms. Rosemary Lawson-Edge

Application by Gregory McCusker for Daniela Putts of Old National Highway Limited seeks a rezoning from C-1 (Community Business) district to a C-2 (Commercial) district in an existing 3,534 square foot structure. The subject 0.74 acre site has approximately 114.29 feet of road frontage along the eastern side of Old National Highway, located in Land Lot 93, District 13, Fulton County, Georgia.

A motion was made by Commissioner Edwards and seconded by Commissioner Lowe to approve as recommended by staff. The motion carried by a unanimous vote of 7-0-0. Chairman Eaves, Vice Chair Darnell, and Commissioners Pitts, Hausmann, Lowe, Garner, and Edwards voted yea.

Mark Massey, Commission Clerk - "#12-0357. 2012Z-0003. Old National Highway. Staff."

Mr. Randy Beck, Environmental and Community Development - "This is a request to rezone from C-1 to C-2 for a title loan business. The recommendation of staff is approval conditional limiting the use to those allowed in the C-2 district, except for convenience stores with gas pumps, restaurants, commercial amusements, pawn shops and check cashing facilities. The recommendation of the Community Zoning Board is approval condition per an agreement between the applicant and the Old National Merchant's Association limiting the use to a title loan operation only."

Chairman Eaves - "I'm going to open the Public Hearing. Sir, are you the applicant?"

Mr. Greg McCusker - "Yes, sir."

Chairman Eaves - "You're welcome to come forward and speak."

Mr. McCusker - "Thank you. Good morning. My name is Greg McCusker. I live at 1242 Parkside Club Drive in Lawrenceville. I manage the building in question at 5610 Old National Highway for the old National Highway limited partnership. I'm here this morning seeking your approval to change the zoning from C-1 to C-2. In December of last year, First American Title Loans signed a four-year lease on this building. They renovated the interior, they hired five employees. They spent about \$60,000 on the building itself. Due to the nature of their business, title loans are considered a pawn transaction, that's why we need the C-2 zoning. When we think of pawn shops we think of toasters, TVs, things of that nature. The only thing that will be in this building will be people and paperwork. First American has 15 locations throughout Georgia. The closest to this building would be in Commissioner Edwards' district in Union City across from the Old Shannon Mall. We view First American Title Loans to be a good corporate citizen and a welcome addition to Old National Highway. A few weeks ago I met with the board of the Old National Merchant's Association. We discussed what was going on, what they were trying to do. I received their approval with one stipulation, that only First American Title Loans be allowed to rezone and be in that building. We readily accepted this stipulation. We thought it was the only fair and right thing to do. First American has invested in the property and in the community, so we have no problem investing in them. My next stop was the Community Zoning Board. They built upon the recommendations of Old National and added a stipulation of their own, that only First American Title Loan -- First American Title Loans can do just title loans. Just on the off chance they ever change their business model they wanted to protect that. Again, we agree with that. We accept that, and that's why I'm here today. I've also met with Mike Venable of the Old National Community Alliance. He attended our open house. He has toured the building. He has voiced no objections. I'm not sure if he's here today or not. He said he might have a work commitment. So in closing, I'm asking for your approval based on the recommendations and advice of both, the Old National Merchant's Association and

the Community Zoning Board. And there was an easel here earlier, but it seems to have disappeared, but this is the building in question. We're neighbors, Commissioner Edwards."

Chairman Eaves - "Thank you, sir. Believe it or not, Mr. Venable is right behind you."

Mr. McCusker - "Oh. I didn't see him. I'm sorry."

Chairman Eaves - "Mr. Venable, are you speaking on behalf or against?"

Commissioner Edwards - "He'll tell you."

Mr. Michael Venable - "Yes. We've got a stipulation here. It's Michael Venable, 5720 Montilly Circle, representing the Old National Community Alliance. This went in here and, you know, to begin I -- I, you know, since the County Manager has gotten a little bit of an earful, I will just kind of add a little bit to him that maybe he can look forward to. The situation came about because of departments here really not communicating with each other in the manner that they should. And I guess I can get the rest of the staff to kind of go over that with you so you can see what that's all about. But, particularly, permitting department gave permission for businesses to go along that were not permitted to be there. And actually, this is just put in a predicament there that is -- that is really put a quirk in everything. And for right now this department in the area has gotten smaller now. This has happened numerous time back in the years, you know, with Code Enforcement permits and all of this in there. And it's about time that this needs to be fixed and clarified. So, you know, I would progress that the County Manager address those departments to see if we can come to resolution. We're here to support the stipulations by both, the Community Zoning Board and the Merchant's Association, that this be specifically permitted for this company only. The owners that were doing that did an over exasperation of those type of businesses in there and the C-2 things that we don't want to proliferate something to go into a manner and factor that this community needs to get away from. But I understand the predicament that's going through there and he's been caught in the middle. So we're okay with permitting this for the rezoning, specifically for First American Title Loans. It's specifically just for those title loans in there. And the applicant needs to know that, you know, this goes that, you know, that this is not the type of zoning area, that this area should beware, with and we just want to make that clear with it. But we're okay with both of those specifications being added to -- for the approval of this zoning."

Chairman Eaves - "Thank you, Mr. Venable. Applicant, you're welcome to speak."

Mr. McCusker - "Again, I ask for your approval based on the recommendation of the Old National Merchant's Association, the Community Zoning Board, and Mike

Venable's association. Thank you for the opportunity to appear here this morning."

Chairman Eaves - "You're welcome. Mr. Venable, care to offer a final comment? Close the Public Hearing for this Zoning matter. Is there a motion?"

Commissioner Edwards - "Move approval based on staff recommendation."

Commissioner Lowe - "Second."

Chairman Eaves - "Second by Commissioner Lowe. Let's vote, Commissioners."

Clerk Massey - "That motion passes unanimously. Seven yeas, zero nays."

COUNTY MANAGER'S ITEMS – UNFINISHED BUSINESS

Atlanta/Fulton County Library

12-0310 Request approval to apply for and accept a grant award of \$2,500 from the National Endowment for the Humanities for the purpose of providing a series of programs about American music genres. (HELD 4/18/12 for a lack of four affirmative votes) (APPROVED)

A motion was made by Commissioner Garner and seconded by Chairman Eaves to approve. The motion carried by a unanimous vote of 7-0-0. Chairman Eaves, Vice Chair Darnell, and Commissioners Pitts, Hausmann, Lowe, Garner, and Edwards voted yea.

Mark Massey, Commission Clerk - "Page 6, County Manager's Items. Unfinished Business. Atlanta-Fulton County Library. **#12-0310**. Request approval to apply for and accept a grant award of \$2,500 from the National Endowment for the Humanities for the purpose of providing a series of programs about American music genres."

Chairman Eaves - "Welcome to our Board Meeting. Just make a quick statement and then hopefully we can take action. You can pull the microphone down, please."

Ms. Anne Haines - "Certainly. Thank you, Chairman Eaves, Commissioners. This grant from the National Endowment for the Humanities provides \$2,500 in reimbursable funds to pay for six to eight programs to highlight American music. And it's six genres of American music, which includes blues and gospel, Tin Pan

Alley in Broadway, swing and jazz, rock, blue grass and country, and mambo to hip-hop. It is a program for general audiences, and we are very excited to apply and very hopeful that we will be awarded this grant."

Chairman Eaves - "All right. Thank you for that overview. Is there a motion to approve?"

Commissioner Garner - "So moved."

Chairman Eaves - "Second. Let's vote, Commissioners."

Clerk Massey - "That motion passes unanimously. Seven yeas, zero nays."

Chairman Eaves - "Thank you."

County Manager

12-0325 Request approval of a communications plan regarding the Transportation Investment Act of 2012 referendum. (HELD 4/18/12 by Board vote) (APPROVED)

A motion was made by Chairman Eaves and seconded by Commissioner Lowe to approve. The motion carried by a vote of

4-2-0. Chairman Eaves and Commissioners Hausmann, Lowe, and Garner voted yea. Vice Chair Darnell and Commissioner Edwards voted nay. Commissioner Pitts was present but did not vote.

Commissioner Hausmann directed staff to finalize a list for the 15 percent money to be presented to the public before the July 31 referendum vote so that they are aware of what they will be voting for.

Vice Chair Darnell directed the County Manager to clarify to staff the difference between ARC and County employees.

Commissioner Pitts stated that he would like to see what is going to be disseminated, even on FGTV.

Commissioner Edwards requested that the ARC not be included in the presentations/meetings.

Commissioner Edwards requested the County Attorney to develop a disclaimer to be filled out by the presenters or to be

read during the hearings/meetings to indicate the County is not promoting one side (preference) or another. He further requested that only balanced facts be presented (both pros/cons).

Mark Massey, Commission Clerk - "County Manager. #12-0325. Request approval of a communications plan regarding the Transportation Investment Act of 2012 referendum."

Chairman Eaves - "Mr. Manager."

Mr. Zachary L. Williams, County Manager - "Thank you, Mr. Chair. This item is before the Board in an effort to seek direction and authorization to advertise the upcoming referendum for the Transportation Investment Act. We had began promoting a series of public information sessions and because the Board has not taken a position one way or the other on this, we felt it best for staff to come back and seek authorization, really speaking to our level of participation being either not holding these public conversations or holding these public conversations. So this is really just requesting direction from the Board."

Chairman Eaves - "Okay. Commissioners, any questions or comments? Let me just say that one of the speakers in the Public Comment session was very passionate about her position. But I think one thing is clear is that there is some misconceptions that need to be addressed or clarified. I think we need to be clear to our citizens that the pros and cons, or at least being clear about exactly what projects are on the project list. So I think that there is a need for information to be provided because, whether you support it or not, it's coming up on the referendum July 31st. As a member of the roundtable and having been a part of the process, I know that it's not perfect in terms of the projects that are there, but it's the best scenario I think that could have been determined from a regional perspective. I also think that along with the infrastructure improvements that will occur throughout our region, especially in Fulton County, we need to understand that there is potential support for MARTA in terms of State of Good Repair money. \$600 million, I believe. So I think that information needs to be communicated to our public so that they can make an informed decision, as opposed to making a decision based on perhaps misinformation. The last thing I want to state is it is believed that this, the funding from this referendum that will generate between 6 and \$8 billion will create about 200,000 jobs. So I think that also should be a part of the message. And Commissioner Garner, Commissioner Edwards, Vice Chair Darnell, Commissioner Hausmann."

Commissioner Garner - "Yes. Thank you, Mr. Chair. I, too, agree that this is a very important issue and referendum. And I think that we have to have informed citizens to help make the decision here. So I concur that it is important, and I think critical that we make sure that we provide opportunities to inform the public about what is being represented here so that they can, as citizens, can make informed

decisions. So in doing so, I also agree that we should have Public Hearings. But I want to make sure that in our efforts to reach our citizens that we are using every mechanism or medium or means that we have possible to reach the citizens so that we can get as broad a turnout, in terms of education, as possible."

Chairman Eaves - "Commissioner Edwards, Vice Chair, then Commissioner Hausmann."

Commissioner Edwards - "I don't particularly agree with a lot of things that have been said up here. I think Ms. Watkins was on it. I think what she said, I didn't hear anything about her statement that was not untrue. Here's my problem, Mr. Manager. We have to be very careful because there may be a constitutional challenge, even if it passes. We need to be very, very careful about the message that we send, that it doesn't lean to the left or the right, either way. I'm assuming we're going to have four votes to do this, but I'm going to tell you if a message comes out that I see is too far to the left or right, I'm going to ask that we take that message off. If we're going to stay in the middle of the stream, let's stay in the middle of the stream, because see, everybody is talking about what it's going to do. Why aren't y'all talking about what it's going to do to the people? Why are you not talking about people being taxed twice? Funds cannot be spent on current MARTA system, the probable constitutionality of the thing. GRTA funding subsidizing north metro residents. Why aren't we talking about those things? You understand what I'm saying, Mr. Manager? So I'm saying as we craft our message, and I will be talking to the County Attorney about me, as a Commissioner, what I can and cannot do as it relates to this. So simply what I'm saying, I'm not against transportation. I'm against this method. If you look at the 15 percent for south Fulton County, that's nothing. Unincorporated south Fulton County and its cities, man, that's nothing. I mean, I can't even brag about that. So what I'm saying is let's make sure we get all of the information. Let's don't be so general because all I've heard is pro. Nobody is talking about the other side. So when I go out I'm going to be giving both sides, the good and the bad. Because we have to understand that no matter what you say about the -- look at the Commissioner talking about untying the knot. I didn't tie the knot. Somewhere down the line somebody had to do something and so we did not do anything. Now we're at the point where everybody is going to pay. Ms. Watkins is right. We're not getting anything in south Fulton County. Nothing. But she's going to have to pay, and every other citizen down there have to pay, because they're used to paying for nothing now because when they didn't have street lights -- Commissioner Darnell always talks about that -- when we have street lights we're still paying. So we're used to paying and not getting anything. But at some point in time it must stop. I'm for transportation, but I'm not trying to kill anybody to get to it. And I would venture to say they talk about jobs, jobs, jobs, jobs, jobs -- where are they? When at the end of the day, how many of those jobs are really going to be occupied by the people who are really paying the dues? Be very careful what you say, Mr. County Attorney, because this is going to be a constitutional challenge one way or the other. Thank you."

Chairman Eaves - "Vice Chair."

Vice Chair Darnell - "I wanted to ask the County Manager to clarify the intent and purpose of these hearings. It was my understanding that the purpose of the hearing was to review projects that this Board and the public had already reviewed and are not part of our comprehensive transportation plan. Is that correct?"

Mr. Zachary L. Williams, County Manager - "Yes, Commissioner. And thank Vice Chair. Thank you for the opportunity to add that to the conversation. The goal of the four public meetings would be to, exactly as you said, review the 15 percent list and provide citizens with the opportunity to add additional projects, should they choose."

Vice Chair Darnell - "To add projects."

Manager Williams - "Yes. For input if they wanted to identify new hotspots, if you will."

Vice Chair Darnell - "Is that really being honest with the public since we can't really add anything to the list, can we? I don't think you can add anything else."

Chairman Eaves - "No. No. Commissioner, you're --."

Vice Chair Darnell - "You're talking about the 15 percent?"

Chairman Eaves - "Yeah. It's the 15 percent. We do have the ability to add our own projects, and every jurisdiction has that 15 percent designation."

Vice Chair Darnell - "The statement I want to make is this. I have found in the years I've been in the elective office that it is unwise to ever underestimate the intelligence of the public."

Commissioner Edwards - "Uh-huh (affirmative)."

Vice Chair Darnell - "People know the difference between informing them about an issue and advocating on behalf of an issue. They certainly do in District 5, which runs from Peachtree Road to Cascade Road. We have been advocating for the last five minutes. Some have been advocating for, some against. It is my understanding, Mr. Ware, that a legislative body and elected officials cannot promote bond referenda. Is that still the law?"

Attorney Ware - "Yes, ma'am. The body cannot expend County funds to promote for or against a referendum."

Vice Chair Darnell - "This is all that I have to say. I'm going to attend one of those

hearings. We're going to monitor them. I think on this particular issue we've got to be clear."

Commissioner Edwards - "Uh-huh (affirmative)."

Vice Chair Darnell - "These are the kinds of things that erode the public confidence in us. If I hear any statement at any one of these hearings that is a statement of support or nonsupport, I'm going to interrupt the hearing. Fulton County residents must know that members of the Board of Commissioners have no authority to promote or to oppose referenda -- bond referenda. And, this is the last thing I want to say. Folks know the difference between informing and promoting. At least they do in my District, and I don't see any difference in my District in folks than in other districts. I will have an opportunity to express my opinion on July 31st, and that's what my message is to my District. You will have an opportunity to decide whether you want to pay here in Atlanta two cents for another roads program on July 31st. Thank you."

Chairman Eaves - "Commissioner Hausmann."

Commissioner Hausmann - "So these meetings are being held in coordination with the ARC; correct?"

Manager Williams - "Mr. Coates."

Commissioner Hausmann - "And the main purpose is to develop the list of projects for the 15 percent that the area will get?"

Mr. Richard Coates - "Commissioner, the meetings are being supported by ARC. They provide us technical information and so forth and so on."

Commissioner Hausmann - "Okay. And that is the main purpose, though, to discuss the projects that should be paid for with our 15 percent allotment; correct?"

Mr. Coates - "The main purpose is to get input from the citizens on how the 15 percent money will be spent if the referendum passes."

Commissioner Hausmann - "Okay. And so, after you have the Public Hearings, and I assume these dates are going to be altered since most of them have already occurred, what happens next? Does that come back to this body for our approval of the list of projects, or --."

Mr. Coates - "If the referendum passes, the Board of Commissioners would then have to make a decision on which projects will be funded with the 15 percent money."

Commissioner Hausmann - "Well, the reality is a lot of other jurisdictions have

already come up with their list for the 15 percent so that their voters in their communities will know what they're voting for."

Mr. Coates - "There's a number of localities that have had Public Hearings and received input and has identified projects for the 15 percent money."

Commissioner Hausmann - "Well, I think in an effort to fully disclose what the money would go for, I think it would be helpful to folks to know when they vote on July 31st what that money would go for. So I would like to see us finalize the list before the vote so that folks know what they're voting for. Because everybody does get something. It may not be a lot, but everybody does get 15 percent. And in Fulton County -- unincorporated Fulton, I believe it's almost \$3 million a year. Is that not correct?"

Mr. Coates - "That's correct."

Commissioner Hausmann - "That's a significant amount of money for local authority to work on roads. So the facts are unknown at this point for south Fulton. They don't know what projects could be done with that 15 percent. So I'd like to see us put that list together."

Commissioner Edwards - "Excuse me."

Chairman Eaves - "A couple of things I want to add before Commissioner Edwards has the floor. Number one, this is not a bond referendum. This is a T-SPLOST. And Mr. Attorney, the State and/or ARC legal has opined on this issue where elected officials can advocate for or against -- can take a position on that. Also, this body can take a position on the project list or the referendum. We've taken a position on the educational SPLOST. And so, we can take a position on it. So I would like for you to check with or verify with ARC Council and/or the State Department of Transportation Council, because there has been a position rendered in this."

Attorney Ware - "Yes, sir."

Chairman Eaves - "The other thing is this is the 15 percent that each jurisdiction -- each jurisdiction has 15 percent of dollars that are collected where they can, within their own discretion, choose what types of projects that they want. And I agree with what Commissioner Hausmann said in terms of I think we need to come up with a list before the referendum so that voters would not only be voting on all the regional projects, but even more specifically the projects in south Fulton or the unincorporated area. So Manager, I think this is a good thing. It supplements what ARC is doing. ARC is having, I think, a livewire fireside chat. They've had other Public Hearings. So they're doing some things, but I think it's in our best interest to do something to supplement that in terms of putting out information. I want to go back to what the person stated in the Public Hearing. Again, she was

passionate, but the information was not correct. It wasn't. And so, we need to make sure that we put correct information out there and this Board can take a position on it. Commissioner Edwards."

Commissioner Edwards - "Mr. Coates."

Mr. Coates - Yes, sir."

Commissioner Edwards - "Are you going to sit up there and tell me we didn't have a list in south Fulton County?"

Mr. Coates - "Not for the 15 percent money."

Commissioner Edwards - "What list did we have, Mr. Coates?"

Mr. Coates - "We have a list for the 85 percent money."

Commissioner Edwards - "Okay. So what's the difference?"

Mr. Coates - "The 85 percent money was decided by the 21 member roundtable."

Commissioner Edwards - "No, no, no, no, no, Mr. Coates. When it was brought to our attention up in south Fulton County, we were asked to come up with a list. Do you remember that?"

Mr. Coates - "For the 85 percent money?"

Commissioner Edwards - "We were asked to come up with a list of projects, and we were really --."

Vice Chair Darnell - "The transportation plan."

Commissioner Edwards - "Yeah, the transportation plan. See, I don't want you to sit up here and act like we're stupid down there and we don't have a list. We know what we want. And your boss and you all came to us and asked us to provide a list to you, and we did. Now you're going to come and tell me that at 70 -- 15 percent, it's going to be that much different than the transportation list I gave you?"

Mr. Coates - "Commissioner, the items --."

Commissioner Edwards - "What I'm hearing is this. I'll let you talk. I'm hearing this. We got our list but those folks down in south Fulton don't have a list. That's what I heard. That's what I heard and I don't appreciate that. The other thing is yes, we got \$2.9 million. She says that's adequate. That's nothing. How much is it going to cost for you to replace that bridge down there on Butner Road?"

Mr. Coates - "I don't that figure right in front of me, Commissioner, but --."

Commissioner Edwards - "Oh, so you're involved in that project?"

Mr. Coates - "Yes, sir."

Commissioner Edwards - "Well, you know what that bridge cost? What's the approximate cost of that bridge? Don't -- what is it?"

Mr. Coates - "I don't have that figure -- exact figure."

Commissioner Edwards - "It's more than three -- \$2 million?"

Mr. Coates - "Probably so."

Commissioner Edwards - "So I'm telling you -- what I'm saying is y'all can talk about this 15 percent all you want, but the carrot isn't big enough. The carrot is not big enough, folks, for our needs. So if we -- if I went back -- you came back to me and I took the projects on the list that you're not going to do -- and by the way, ARC is a proponent, so don't tell me what ARC said. They're a proponent of this whole thing. They are a proponent. And ARC is not regulatory. They're advisory."

Vice Chair Darnell - "They're not elected either."

Commissioner Edwards - "No, they're not elected. They're regular -- they're not regulatory, they're advisory. So all I'm saying to you is, is that if you came back to me and said 15 percent, we're going to come back to you with the same things we gave you on the transportation plan. Yeah, Commissioner Hausmann, they did add one. You know what you added? What did we add recently on that transportation list?"

Mr. Coates - "I'm not familiar."

Commissioner Edwards - "Let me tell you. Cascade and 285. That carrot isn't big enough either. You see, you're plan -- giving them a little bit of this. That makes it -- no, give them one of these. It doesn't work like that. Cascade and 285 should have been on there the first time. If there's anything in south Fulton County -- and you know this -- that we need done is Cascade and 285. It should have been on there the first time, but no, it wasn't. So let's just give those folks down there, you know, it's just recently done. And you need to be on top of this, Mr. Coates. It was just recently done, add it to the list as a dangling carrot. It's not big enough. So my thing, Mr. Manager, is we know what we want. So you're just telling me if y'all agree to something, what can I get -- I've got to go ahead and try to find what can I get for \$2.9 million out of the pie. You want to send my citizens over there to find out what can I get for \$2.9 million, and I can tell you right now. Not much of anything. Not enough money. When you look at the overall picture of

what we're going to be paying and talking about the \$15 dangling carrot -- 15 percent dangling carrot, it doesn't jive. It doesn't make things right. So that's my position. And Mr. Coates, I wish then when we talked about these situations that you have the figures. You're working on these things every day. You work on those bridges in south Fulton County all the time, and I'm appalled to see that you didn't even have a ballpark figure as to what that bridge cost. Thank you."

Chairman Eaves - "Let me just say, Mr. Coates, you have done a god job. You have been engaged in the whole process. The Cascade/285 road project is a part of the 85 percent. It was a part of what the roundtable supported."

Vice Chair Darnell - "It was not."

Chairman Eaves - "Yes, it was. Yes, it was. You know, this is silly. You did what you're supposed to do."

Vice Chair Darnell - "Nope, it wasn't."

Chairman Eaves - "You did what you were supposed to do. 285 -- and this discussion, to me, it just underscores the importance of having the Public Hearings. Get the information out there. And so we're going -- some people are being emotional based on half facts. And so, we need to get the information out there. Commissioner Hausmann, Commissioner Darnell, Commissioner Garner."

Commissioner Hausmann - "So this \$2.9 million is an annual contribution or the total?"

Mr. Coates - "The \$2.9 million is the State Economist estimated annual revenue for unincorporated south Fulton."

Commissioner Hausmann - "So every year we'll get almost \$3 million for south Fulton for ten years?"

Mr. Coates - "That's correct."

Commissioner Hausmann - "Okay. So, Commissioners, I would say that's a pretty significant --."

Vice Chair Darnell - "It's not up to you to say. It's not up to you to say."

Commissioner Hausmann - "I can say that --."

Vice Chair Darnell - "You don't represent the area."

Commissioner Hausmann - "It doesn't matter. I represent part of Fulton County, and every part of Fulton County is getting an allotment. This is the one that this

Board needs to decide on. So, yes, I do have a role here. Thank you. So basically, what you're saying is you have a master list, but the projects on your master list should be identified that could fall into this potential 15 percent funding. Is that what the process is?"

Mr. Coates - "Yeah, the projects that were on the list that we brought to you last year is on the 85 percent project list. If they weren't on the -- if the roundtable did not select those projects, those projects are still eligible for the 15 percent money."

Commissioner Hausmann - "But there's not enough funding to cover all the projects, so the ones that are most important should be identified. Is that not correct?"

Mr. Coates - "Well, there's not enough money for every project on the list. The projects that's been selected for the 85 percent are selected on done with. The 15 percent projects is a new process and it's up to the Board of Commissioners to decide whether they want to identify these projects prior to the vote or not."

Commissioner Hausmann - "But the purpose of your Public Hearings is to get input from the community on their priorities for the leftover projects that did not get funded in the 85 percent project list."

Mr. Coates - "Yes, ma'am, as well as any other project for that matter."

Commissioner Hausmann - "Thank you."

Vice Chair Darnell - "Speaking of facts, I thought I better put one or two on the table. Number one, I don't think the Clerk is going to find in his files a record which states that this Board voted to support what is referred to as the T-SPLOST referendum. That's number one. Number two, Mr. Ware, I think I probably need to -- and I apologize for asking you again -- whether or not an elected official of this body can properly and lawfully advocate on behalf of the T-SPLOST referendum."

Attorney Ware - "County funds may not be used to advocate for or against any referendum. A Commissioner may use individual funds for or against any item. County funds may not be used."

Vice Chair Darnell - "So if Mr. Eaves goes to a meeting to promote T-SPLOST, we can assume that he bought his own gas to get there and he's not in a County car. That's the public. I'm just giving facts now. Fact number three, ARC is a strong advocate of this position, in support of T-SPLOST. Mr. Williams, if any of your staff is confused about the difference between an ARC employee and a Fulton County employee on this subject, would you take the responsibility for clarifying it because you clearly understand the difference. All right. Next, Cascade at I-285, since we're dealing with facts, was not on any list. It was added by ARC after the roundtable list had gone in. I find it very helpful to identify and

research facts on these matters myself. We saw a difference between the list that the roundtable formally approved and a second list. We asked staff to investigate. This was over three months ago, and we found out that Cascade/285 was not voted on by the roundtable. It was added by ARC for whatever purpose. And I will reiterate again. When you hear Mr. Eaves or any member of this Board say they are in support of the T-SPLOST referendum, they are speaking for themselves and not for this Board. That's what I want to get clear to the public. We have an opportunity before July 31st to determine whether or not we will or will not support the referendum. People in District 5, if you're interested in knowing what I believe some of the issues are, of course I will be sharing that information with you. But I say many times I vote according to my constituents. They don't vote according to me. I vote in terms of what is in their best interest and what they believe to be is in their best interest. And that is the way I will be voting on July 31st. But in the meantime, I will reiterate I have found it wise never to underestimate the intelligence of the residents of this County."

Chairman Eaves - "Commissioner Garner."

Commissioner Garner - "Mr. Coates, hello."

Mr. Coates - "Hi."

Commissioner Garner - "What was the process that we used to get community engagement for the list that is on the 85 percent of funding?"

Mr. Coates - "Yes, we went through a series of Public Hearings to get input from the community on the types of projects that wanted on that list, as well as other outreach type activities such as surveys and so forth."

Commissioner Garner - "So it is my understanding that we did not do that for the remaining 15 percent; correct?"

Mr. Coates - "No, we haven't. That's what we're --."

Commissioner Garner - "So that's why we are here. . . ."

Mr. Coates - "Yes."

Commissioner Garner - ". . . to get community input for the remaining 15 percent. Whether we agree or disagree with the referendum, we really need to come up with a list for the citizens to approve or not approve."

Mr. Coates - "Yeah, the purpose of these meetings we're talking about was for input on the 15 percent money."

Commissioner Garner - "Okay. And that's what this item is. This item here can,

Mr. Manager, is for us to approve a communications process to get input from the citizens in south Fulton. That is what this is about. Mr. Chairman, I'd like to call -- ask you to call the question."

Chairman Eaves - "Okay. Is there a motion -- motion -- move approval."

Commissioner Garner - "Yes, I move that we approve this."

Commissioner Pitts - "No, no."

Attorney Ware - "Call the question requires a second and approval."

Chairman Eaves - "Second. Let's vote."

Commissioner Pitts - "No. Point of order. She can't speak. We go through this every meeting."

Commissioner Garner - "Oh, sorry."

Commissioner Pitts - "She cannot speak and then call the question."

Commissioner Garner - "I apologize."

Chairman Eaves - "Okay."

Commissioner Garner - "I apologize."

Chairman Eaves - "All right. Well, thanks for that clarification."

Commissioner Garner - "My comment is that let's get back to the item at hand here. Mr. Manager, you need some direction about how to get community input for the list for the 15 percent funding."

Manager Williams - "Yes, Commissioner. And I have attached our proposed action plan, which will include a series of four meetings, and advertising those meetings on various media outlets, as well as FGTV."

Commissioner Garner - "And when we did this for the 85 percent, did you find that this method was effective?"

Manager Williams - "Commissioner, this is an effective method to gain community input. It's public meetings face to face and hearing from the community."

Commissioner Garner - "Okay. Thank you."

Chairman Eaves - "All right. Move approval. Is there a second?"

Commissioner Garner - "Second."

Commissioner Lowe - "Second."

Commissioner Pitts - "I haven't been heard, Mr. Chairman."

Chairman Eaves - "All right. Commissioner Pitts."

Commissioner Pitts - "Mr. County Manager, I'm reading from the communications plan of April, 2012. And I know a lot has been said and there's a lot of emotion, but I want to address what's in writing what's on the pages here. Are you familiar with the document that I'm talking about?"

Manager Williams - "Yes."

Commissioner Pitts - "Okay. So the meetings that are proposed are for that 15 percent."

Manager Williams - "Yes."

Commissioner Pitts - "Do you have the dates?"

Manager Williams - "Commissioner, we have not reestablished dates. We had originally set dates but upon Board approval we would reestablish dates."

Commissioner Pitts - "The dates. Okay. But the purpose will remain the same?"

Manager Williams - "That's correct."

Commissioner Pitts - "All right. Now what it says is that the purpose of the meetings is to obtain comment. Is that still true?"

Manager Williams - "Yes."

Commissioner Pitts - "And identify projects for the 15 percent list. Meeting content will be presented in coordination with the Atlanta Regional Commission. Is that correct?"

Manager Williams - "Yes."

Mr. Coates - "Yes."

Commissioner Pitts - "Okay. Academically, philosophically, whatever term you want to use, this is informational. Are we going to present a balanced-report approach?"

Commissioner Garner - "That's not what it says."

Manager Williams - "May I?"

Commissioner Pitts - "Yeah. I'm just curious. This doesn't say that. Because I've heard people say 'for information.'"

Manager Williams - "Right."

Commissioner Pitts - "And if you're going to have information, you need both sides."

Manager Williams - "So, Commissioner, I believe something that the Board wants to evaluate, because our intent is not to list here are the pros if you, you know, vote, or here are the props for the referendum, here are the cons. Simply, if this referendum is approved, here are the projects. So one of the issues I would think that the Board would want to consider is that something that sends its own message. That's up to you as a body. But all we are going to do is say is there will be a referendum, and here are some identified projects that didn't make it in the 85 percent list. Let's hear from you."

Commissioner Pitts - "See that, I have no problem with that if it's limited to that. If you say here are ten projects. If you want to add to it, you can. If you want to delete, you can. But when you start to defend one way or the other, that's what this language leads to in this. So if that's the intent, I think that needs to be crystal clear. And I know what happens from the time we leave here and from the time the finished product is out, because I'm simply concerned that we're being fair and that the public understands, first of all, that this Board understands what's going to be said and who's going to say what as opposed to either us collectively or individually advocating for one side or the other. I think we need to stick to the facts. And I would like to know and see, at some point, what's going to be put out. Even the scripts, for example, on HTV -- what is it? FGTV. I mean, I just think we don't want to mislead anyone and we need to be -- I don't know how you're going to do it, but I'm just concerned if it's one way or the other and not down the middle, and we need to be very clear about what we're doing. If we're going to be clear about it, I think I have no problem with the hearings. I have no problem with the input. But once it sways, goes one way or the other and you start promoting, because, theoretically, if you're going to -- here it says, meeting content will be presented in coordination with the Atlanta Regional Commission. And that, in itself, presents a problem. If it's just a list of projects, I don't even know why the Atlanta Regional Commission will have to be involved. It's here's the projects. What do you think? It should be -- if I'm wrong, tell me. I think that's how simple it should be. But if you bring -- let's say, as an example, one of the fine community leaders who spoke earlier, her and her group up, they'll have one position. If you bring someone from the Atlanta Regional Commission, they'll have another

position. If you bring someone from the Sierra Club, they'll have another position. So I think that's where the problem comes in. So, in conclusion, if it's limited to the list which is what I've heard four of you say, that it should be limited to the list and that people should only address adding to the list, changing the list in some way, then I'm fine with that."

Chairman Eaves - "Commissioner Garner."

Commissioner Garner - "Again. What was the process that we used to come up with the list for the 85 percent?"

Mr. Coates - "Similar process. We went through a series of Public Hearing meetings. And again, ARC, they supported us in providing us technical information in --."

Commissioner Garner - "So technical information. There was no discussion about pros or cons regarding the TIA. It was about projects."

Mr. Coates - "That's correct."

Commissioner Garner - "Now the other option is that we don't do anything about the 15 percent and that we can wait to see whether or not it passed or not passed."

Vice Chair Darnell - "That makes sense."

Mr. Coates - "That's correct."

Commissioner Garner - "All right. That's an option. Just -- right. Okay. So if we're going to use the same procedure that we used for the 85 percent with this 15 percent, it's not about what we believe, what we want to vote for. It's about what are potential projects that we want on the list in case it passed."

Mr. Coates - "Yeah."

Commissioner Garner - "All right. That seems straightforward to me. I can support this request."

Chairman Eaves - Commissioner Edwards, Commissioner Lowe, Commissioner Darnell."

Commissioner Edwards - "Commissioner Pitts, I think you hit it on the head. And I would like to us not have the inference of the ARC because everybody knows the ARC position. And for us to be tied into that may give the inference that that is our position also. The other thing is, Mr. County Attorney, could there be a disclaimer prepared?"

Mr. R. David Ware - "A disclaimer regarding the fact that it's not County. . . ."

Commissioner Edwards - "That's correct."

Attorney Ware - ". . . sponsored --."

Commissioner Edwards - "Just like we do on FGTV. When somebody gets to say something we don't have, the disclaimer comes after that and says we don't agree with anything he said. Could there be a disclaimer that whoever goes -- see, that's another problem with me. I don't know who's going out here. See, I need to know that the person who goes out delivering this message understands what we're saying today. So I'm just -- as a suggestion that maybe a disclaimer can be read prior to the meeting when we go out. And if not, I'm like Commissioner Darnell, I'll be at the meeting. I'll be at the meeting. The meeting should go down the middle. So, but I'm just thinking that I don't want anybody -- their words may not be the words that we need to have. Do you follow what I'm saying, Mr. County Attorney?"

Attorney Ware - "Yes, sir."

Commissioner Edwards - "So let's get a unified statement that can be passed out or read or whatever that tells them that this is not our position one way or the other."

Chairman Eaves - "Commissioner Lowe, Commissioner Darnell."

Commissioner Lowe - "I'm of the opinion that this is a lot to do about nothing. When it comes right down to it, if we want to do it, and I think we probably should. If you're talking about a project in Sandy Springs or north Atlanta, north of Buckhead, I probably know almost all of the problems, certainly within your district. It's a little tough on Pitts and the County-wides. But I think it comes right down what we can sell ourselves on doing. We can get all the feedback we want from all of the people we want. Ask this group, that group and that group, meetings, meetings, meetings. It doesn't mean a thing. What means everything in the world is if you've got enough strength to get three other Commissioners to vote with you. The name of the game still is four votes. And we don't need a lot of input from 40 people to tell me that, oh, we've studied this and had meetings for the last six months on it. We need to do this million-dollar project. I could decide how to do that million-dollar project in an hour-and-a-half, and it would have satisfied people, too. I know where we need sidewalks. I know where we need repaving. I know -- by the way, I never did get the answer on that little sewer job out there by my house. You got it for me? Well, I need to know. They're fixing to tear up my street. And getting on my shares back in this property maybe, I don't know. They haven't discussed it with me in a long time since I went out there with the department. But I'm a little bit familiar with it. It comes in about five doors of my house, your little sewer project. But I just think we spend more time, executive

time discussing this than it's worth. Drop it."

Chairman Eaves - "Commissioner Darnell."

Vice Chair Darnell - "Well, I do think we've made a few steps from the days when we made decisions about folks' money in the dark. I certainly do strongly support every opportunity for the public to participate in helping us make decisions that affect their lives. My position has been that we have lists, we've been to Public Hearings, we have a comprehensive plan. We have an FIB Redevelopment Plan that even outlines some of the interests of the public as it relates to roads in the area. We already have a lot of that information. It's certainly not inappropriate that we would ask the residents of unincorporated south Fulton, because that's what we're talking about now. It's not inappropriate that we would give an opportunity to the residents of unincorporated south Fulton to look at the list that we already have that were developed from Public Hearings in their area so that they can determine whether or not they want to add any other roads or infrastructure to that list. I do think however, when Commissioner Garner was reviewing the options, had I, you know, the only decision, I probably would have accepted that last option, and that is to wait until the referendum -- if the referendum passed, then I would hold a meeting in unincorporated Fulton. And my position would be the referendum has passed, we have a list that goes back to 2008 and 2009, but are there any changes you would like to make in the list. I think that would probably have been the option I would have taken, and therefore, I would be able to insulate myself from the charge that I call people together pretending I wanted to talk about the 15 percent, when what I really wanted to do was to urge them to take another penny tax for a program which will have questionable benefit and impact in their area. I probably would have taken that particular position. However, the other thing that I wanted to say in keeping with what Mr. Pitts has said, and that is that we're going to have to, I believe, rely upon the County Manager, as I said earlier, to give direction to his staff based upon the action of the Board today. It is clear to me that the County Manager understands the difference between holding a Public Hearing on adding to a Fulton County roads list and holding a meeting telling folks we're asking you to come to talk about the roads list, but what we really want you to do is to hear the ARC pitch in favor of the referendum. He knows the difference. And I don't try to do his job. And I'm going to trust Mr. Williams that when you have folks at these hearings they'll be a little clearer about the relationship between the Board of Commissioners of this County and ARC than Mr. Coates has demonstrated this morning. I think that I probably will ask the residents of District 5 who would like to know my opinion to contact me. And I will take this opportunity to say that I do have, I believe as I always do, the facts that you need to look at before you make a decision. But it has been my practice on these issues not to tell people how to vote. Give them the facts. Give them the facts. And my experience has been they always make a good decision. So I have a section of south Fulton, and I would urge you that if the motion passes, if you come into my section of south Fulton and you say you want folks to look at the Fulton County list to see whether we want to add anything in the event the referendum passes, assuming you'll have some folks

there, because people don't like to come out to play games with ARC or anybody else. I want to say now that if you switch the subject, the meeting will end. Thank you, Mr. Chairman."

Chairman Eaves - "Colleagues, let me just say one last thing. ARC has not taken a position on the referendum, on the project list. The roundtable -- listen, listen. The roundtable is the one that took the position. The roundtable consists of elected officials from the 10-county region, two representatives from each county and the Mayor of the City of Atlanta. We're the ones that took the position. I think we need to have ARC support because they have the technical information, the technical assistance ability to work in concert with our staff. And so I think that this -- again, this is a good thing. But the ARC has not taken a position on this. Let's vote, Commissioners."

Clerk Massey - "The motion to approve passes. Four yeas, two nays, zero abstentions."

Chairman Eaves - "The next item."

COUNTY MANAGER'S ITEMS – NEW BUSINESS
--

County Manager

12-0358 **Request approval of an allocation of \$1,119,471 to fund alternative sentencing programs in the Fulton County Justice System for the purpose of reducing jail overcrowding and recidivism. (APPROVED)**

A motion was made by Commissioner Garner and seconded by Chairman Eaves to approve with a friendly amendment by Vice Chair Darnell directing the programs to submit quarterly reports regarding their progress. The motion carried by a unanimous vote of 7-0-0. Chairman Eaves, Vice Chair Darnell, and Commissioners Pitts, Hausmann, Lowe, Garner, and Edwards voted yea.

Mark Massey, Commission Clerk "County Manager's Items. New Business. **#12-0358.** Request approval of an allocation of \$1,119,471 to fund alternative sentencing programs in the Fulton County Justice System for the purpose of reducing jail overcrowding and recidivism."

Chairman Eaves - "As we -- go ahead."

Commissioner Garner - "So moved."

Chairman Eaves - "Second. As we debate and take potential action on this, I want to certainly acknowledge the presence of our judicial partners: Judge Wright, D.A. Howard, Mr. Pitts, and others who are present. So thank you for being here. Thank you for all the collaboration that we've had over the past several months. Ready to vote? Let's vote."

Vice Chair Darnell - "I have a question."

Chairman Eaves - "Commissioner Darnell."

Vice Chair Darnell - "I wanted to know, do we have, Mr. Manager, departments that report directly to you, Fulton County Departments develop performance work plans with goals, quantitative goals?"

Mr. Zachary L. Williams, County Manager - "Yes, ma'am."

Vice Chair Darnell - "Do you have those for these programs? Do you have work plans that set out performance goals for each of these programs? I didn't see them in the file."

Manager Williams - "Right. Vice Chair, we do not have work plans for each of these programs. We have the goals and the objectives, but we have not instituted or developed a plan of action specific to the next six months or following years. But that is something that we'll do post-haste, if the Board approves."

Vice Chair Darnell - "Has that request been made?"

Manager Williams - "It has not, not beyond what has been provided to the Board."

Vice Chair Darnell - "Is there any plan? Anybody can answer this. I'll just ask you, Mr. County Manager. Is there any kind of plan for monitoring these programs so that we will know how we're doing and what we might need to do?"

Manager Williams - "Absolutely, Vice Chair. What we would do -- what we will intend to do is incorporate these activities into the overall plans that you described. And I would anticipate reporting back certainly at the end of the year for budget preparation 2013, because the Board -- these are reoccurring programs so the Board will need information to make a decision whether it's something that they want to continue or not. So in the November timeframe, the Board would have a complete assessment, if you will, of whether or not we achieved the goals we set out for."

Vice Chair Darnell - "Of course, we have more than annual reviews of County programs."

Manager Williams - "Absolutely."

Vice Chair Darnell - "These will be an exception?"

Manager Williams - "No. No, they will not, Commissioner. What I would like to do is get to the point that it --."

Vice Chair Darnell - "Will there be quarterly reports?"

Manager Williams - "Right. Where we include those with the quarterly reports."

Vice Chair Darnell - "There will be quarterly reports."

Manager Williams - "Yes. I would anticipate the first report probably wouldn't be for two quarters, though."

Vice Chair Darnell - "All right. Thank you. I think that we have to recognize that whenever we spend tax dollars, whether they're at 141 or across the street, we are still held accountable. We're still held accountable. And in the past, there has been a perception that there is some different kind of accountability process and policy for criminal justice agencies than we have for the noncriminal justice agencies. I don't see my role that way. I see I have the same responsibility in terms of accountability for the expenditure of tax dollars -- and these came out of the general fund -- than I do for Health and Human Services, Housing, all of them. So is there anything that really requires quarterly reports? In any of this, I didn't see anything."

Manager Williams - "Yes, ma'am. I would think that as we -- each of these activities, whether it's accountability court, the alternative sentencing community court, DUI court specifies a certain cost savings to the Jail as opposed to incarceration based on a certain amount of participants. So over the next six months, and if the Board continues funding these into 2013, we want to assure that there are actually clients in these various services. And over time we want to assure that the recidivism rate, which is typically lower in these types of programs, we'll have to measure that. So there will absolutely be data to monitor."

Vice Chair Darnell - "Would there be any objection to a friendly amendment that these programs departments will submit quarterly reports regarding the progress of the program? I don't even know what a community court is, and I've read it two or three times. But would there be any objection to having quarterly reports? We have them from all of our departments. Otherwise, we've just got a lot of rhetoric here."

Commissioner Garner - "What's the question?"

Vice Chair Darnell - "Now we have some strong programs here that I'm personally familiar with. Drug Court, DUI. These are strong programs and I'm sure they collect quarterly -- I'm just saying that for the five or six programs that we have here, just as we require Departments of Health Services, Housing and Human Services and other departments to develop quarterly reports to the County Manager and to us, that we would also ask these departments to do the same. Is there any objection to that?"

Commissioner Garner - "No."

Vice Chair Darnell - "All right. I would like to -- who made the motion?"

Chairman Eaves - "Commissioner Garner."

Vice Chair Darnell - "Commissioner Garner, would you mind if we had -- add that amendment, friendly amendment?"

Commissioner Garner - "No, not at all. I think it's important that we --."

Vice Chair Darnell - "Thank you."

Chairman Eaves - "Second on that. Commissioner Pitts."

Commissioner Pitts - "May I ask the District Attorney and Judge Wright a question?"

Chairman Eaves - "Judge Wright and D.A. Howard, if you don't mind, come on down. Again, thanks for being here. I know you're busy today."

Commissioner Pitts - "And while they're coming down, Mr. County Manager, in the description under Accountability Court, is the 278,000 to be used to hire eight new full-time positions, that's the only use of those funds?"

Manager Williams - "Yes, Commissioner. That is to hire eight full-time positions. Actually, I believe it's to maintain eight that have been paid -- them being paid from salary savings, which we began last September, I believe, August or September. And they have taken approximately 150 people out of the Jail and are currently managing them. This is to continue that. Judge Wright, please --."

Commissioner Pitts - "Well, you just said something. So the eight people -- these are not new hires. It says eight full-time positions. So are you saying that these eight people are already in our employment but they were being paid out of salary savings?"

Manager Williams - "Yes, that's correct."

Commissioner Pitts - "And this, then, will have them full-time and annualized, whatever that number is, on an annual basis."

Manager Williams - "That's correct."

Commissioner Pitts - "So we're adding employees."

Manager Williams - "Yes. Ultimately we are adding. What we did, I believe, last fall is took salary savings and created, I want to say seven or eight positions, in order to reduce the number of persons in the Jail. That has been very successful. But the money is running out, because we were funding it on salary savings at the end of last year and we've been holding other positions in order to make that happen this year. What this does is it makes it part of the normal budget of the Superior Court."

Commissioner Pitts - "And this would also impact by whatever the -- whatever that is annualized, including benefits, the 2013 budget. Correct?"

Manager Williams - "Yes. Thank you for raising that, Commissioner. What we are funding here is from today's date to December 31st. The Board will have a decision to make in the fall with the preparation of the 2013 budget. Do we continue funding these just like any other program? But this is not based on 365 days of funding. This is based on throughout the remainder of this fiscal year."

Commissioner Pitts - "That's my point. I want us to be aware, though, that if you bring these people on full time and they become a part of -- I would assume that they would become a part of whatever the department's going to be asking for in the 2013 budget."

Manager Williams - "Right."

Commissioner Pitts - "And we've had considerable discussion about the challenges in 2013. So let us be aware of that at this point in time and not come, what, January or February of next year saying, well, I didn't know at the time that we were adding eight live bodies. And the fact is, we are adding eight live bodies."

Manager Williams - "Right."

Commissioner Pitts - "The salary savings will be gone."

Manager Williams - "Right. And another way to restate it, Commissioner -- and for that particular program we're looking for \$278,000 with a balance of this year, and an annualized cost would be \$477,000. But if you took the total, if you'll recall the Board allocated \$2 million for these reoccurring activities, we are requesting in this motion \$1.1 million for the balance of the year. And the annual cost based on these programs, should the Board choose to continue funding, would be a little

less than \$1.5 million. And the Board had allocated \$2 million."

Commissioner Pitts - "I understand that."

Chairman Eaves - "And Mr. Manager -- oh, okay. Go ahead. Commissioner, go ahead."

Commissioner Pitts - "I just wanted to ask to get your comments, Judge Wright and Mr. Howard."

Superior Court Chief Judge Cynthia Wright - "On the Accountability Court?"

Commissioner Pitts - "The whole program that's before us here now."

Judge Wright - "Well, we certainly support this program that's been put before you. It has been a joint effort of all of the justice system partners getting together. I will reiterate that the Accountability Court initiative was truly begun as part of the desire to lower the Jail population. And we have been successful in that, but we could only continue that success as long as we have sufficient personnel to cover. And we did fund that through our own salaries. It was our own salary savings, it didn't come from another department. And so we're just simply asking that you make those temporary employees become permanent in the Accountability Court. As to the electronic monitoring, that's a fairly small sum. These are people that give us some concern about their release. We want to know where they are, who they are, what they're doing. I know it's a program that you believe in and we've committed to trying to add 24 at a minimum, maybe up to 100 under the electronic release program. And, of course, that will also result -- both of these programs in our opinion, and of course this will be something that you all will look at, pay for themselves in the Jail savings."

Commissioner Pitts - "Okay. Now, you spoke to two of the five, what about the other three?"

Judge Wright - "I'm not -- excuse me. I've got a bit of a cold. The DUI Court is a state initiative. I will speak in favor of that. Mr. Howard is --."

Commissioner Pitts - "You said you are speaking in favor of it?"

Judge Wright - "Yes, sir. Uh-huh (affirmative)."

Commissioner Pitts - "Okay."

Judge Wright - "And the other ones, the Community Court, we support the principle of that. Mr. Howard, I think, has a lot more information on that than do I, but I realize that that's a zone, an area that needs some help. It has a lot of legal issues down there, and many communities across the nation have established

such community courts and they've enjoyed overwhelming success. But Mr. Howard is here and he could probably address that better."

Commissioner Pitts - "What you're saying, you're in support of the five programs that are contained in the legislation that's before us."

Judge Wright - "That's correct."

Commissioner Pitts - "Okay. Mr. Howard."

District Attorney Paul Howard - "Good afternoon, Commissioner Pitts. I just wanted to say I am very much in favor of all of these programs."

Commissioner Pitts - "Okay."

D.A. Howard - "I think one of the things that over the years that Commissioner Darnell I believe has accurately pointed out, that when you talk to citizens in Fulton County, they really don't want to spend a lot of money to build new jail structures. And we realize in the criminal justice system that we're going to have to continue to do things that allow people to be held accountable but at the same time not be placed inside of a jail. Now, not only do I think that the, you know, this realization is among our Criminal Justice Partners, as you know the state has taken significant steps to roll back the number of people in jails. And this is what this -- these five programs will do. I guess I've spent the most time working with the community courts and the reason that we were interested in the community courts is because as you are aware we've had some long-standing problems with crime on Fulton Industrial Boulevard. Our Police Chief, Cassandra Jones, over the last five years they've made over 3500 arrest on Fulton Industrial Boulevard. Excuse me, 5600 arrest. And the crime still continues to rise. And so what we're trying to do is to affect that, but at the same time not increase the population at the Fulton County Jail. So I am adamantly in support of all of these five programs that are in this legislation."

Commissioner Pitts - "Okay. Thank you. I just wanted to make sure, Mr. Chairman, that everybody's on the same page and that later on the right hand won't say, well, I didn't agree with this."

Chairman Eaves - "Let me just say, I think that the collective and individual input of all of the Commissioners has been helpful. I want to once again thank the judicial partners for really working in the spirit of cooperation and collaboration because this is a process where what we have reached is a result of some give and take and some new ideas. And so I think that this is just a great thing that has happened. I want to thank the County Manager for his role, and I also want to thank Commissioner Garner and Commissioner Hausmann who were part of the taskforce that rolled up their sleeves to work with the Judicial Partners. And I think that this is monumental. I think that we're consistent with national trends in terms

of criminal reinvestment. As Judge Wright indicated, we're trying to reduce the number of people in our Jail, that's the trend nationally. That's also the trend in terms of state government here in Georgia. So I think this is a great monumental effort for this County and this Board. Commissioner Lowe, Commissioner Hausmann, Commission Darnell."

Commissioner Lowe - "I'm of the opinion that it's good to add people and this type of thing, but can't a lot of this be taken care of pretty much administratively? In other words, Mr. D.A. and you, Judge, what can you do to get a hearing for these people and turn them loose just as fast as you can?"

D.A. Howard - "Well, --."

Commissioner Lowe - "If he's --."

D.A. Howard - "Commissioner Lowe, one of the problems is, is that a lot of the people need some kind of treatment. And if you simply turn them a loose, what we've found is it is just a revolving door that they're right back in our facilities again. And so what all of these programs attempt to do is to try to change the lifestyle and the thinking process so that they will not continue to harm other people."

Commissioner Lowe - "If they're sick, Paul, I agree with you."

D.A. Howard - "Right."

Commissioner Lowe - "But I think a lot of people we lock up -- take the woman over here in DeKalb County that let the fellow that attacked her go two weeks ago, and they've still got her locked up, and she was the one attacked. Now, somebody dropped the ball on that, I think. They say they're trying to hold her on other charges, resisting -- somebody's trying to kill her or whatever -- whatever they're doing, I don't know."

D.A. Howard - "That's why I'm glad we're in Fulton County."

Commissioner Lowe - "But I think we can -- if we'll get every judge, Your Honor, especially the traffic judges and the city judges, and all of them, on board and just start issuing a heck of a lot more fines, warnings, things that can be done from the bench or even didn't have to take up a hearing. We can't get some means of never even taking these people to the jail. Maybe letting them walk through might influence them a little bit, but I wouldn't let them slow down. I'd run them in one door and out the other. I just feel that -- I've been looking at some cases nationally, one or two, and they've just decided we can't afford to lock up everybody that we're arresting. And we've come to the conclusion that we're arresting far too many people for the capacity we've got to take care of them. We all have to get together and do something to just get those people a hearing as quickly as possible and turn them loose. And a fine, Paul, might do a lot toward

somebody just doing something. I don't care whether it's speeding or a traffic violation, or fighting in public, or what it is, give them 20 days working for the public and turn them out. I just think that we've got to do everything we can not to arrest them and not to feed them into the system anyway."

Judge Wright - "May I address that?"

Commissioner Lowe - "Oh, sure."

Judge Wright - "Of course we don't have any authority over arrests. I just noted that the City of Atlanta is adding another 100 more police officers to their police force and that is probably going to result in more cases. The Superior Court has reduced its criminal case load by over 1,000 in the last year, and we're getting them to hearings very quickly particularly in the lower-level felonies. In terms of bringing them in the door and letting them out, unfortunately, we're doing far too much of that because the recidivism rate on most of those that we don't put in through the alternative programs is more like 85 percent, whereas if you put them into Drug or Mental Health Court it's about a 34 percent recidivism rate. So instead of just having those people come in, plead, get out, and most of them are indigents so they really don't have the capacity to pay fines, we are attempting to offer help to them so that they don't continually be a drain on public resources and a threat to public safety."

Commissioner Lowe - "I agree. Thank you."

Chairman Eaves - "Commissioner Hausmann, then Commission Darnell."

Commissioner Hausmann - "This conversation just underscores how complicated this issue really is. And I just wanted to thank you for what you're doing to try and look for different ways to address the problem with cases that we already have. They're already costing us resources, as you know. So I'm hopeful that over the long run, this will actually reduce our costs and allow us to do just what we all want to do, reduce the number of folks in the Jail and get the cases processed a lot quicker. So I'm very hopeful that this new idea, or this new way of addressing some of these cases logistically and every other way will help improve the results that we're all looking for. So I thank you for your good work."

Chairman Eaves - "Commissioner Darnell."

Vice Chair Darnell - "Yes. I think it's only fair that while we're passing out the thank-you's that we extend our thanks to those officials in the system who over ten years ago, before it became popular to talk about reducing recidivism, the Fulton County Courts initiated these alternative programs. And they were strongly supported, of course, by this Commission because that's where the money came from. I remember when we first started the Drug Court, for example, there was some concern in the community at some of our community meetings that this is

something that was not a good policy. You don't hear that anymore. People know now that if you have a quality program of alternative programs that they do work. We still don't have the level, I think, of public understanding. I was going to refer to this earlier before the Chief Judge mentioned it. As long as people believe by adding policeman we are dealing with crime, then of course we're going to continue. You'll be back every year trying to reduce recidivism. As long as folks think if they see a blue car things are going to be better, it's going to be a problem. But you have people, you yourselves, and you have people on your staffs who've been working with us to reduce recidivism in this County for over ten years. And so you're not beginning something you have not done before. You have a record. And I'm very pleased that the Board, even during these hard economic times, has been able to maintain anyway, not give you what you need, but been able to certainly maintain. I think it's important for the people to know that we work together on these matters. We work together on them, because that's what they're interested in. They're really not interested in the criminal justice system, the Board of Commissioners. They just want to know why is it that we have the largest mental health institution in the state over on Rice Street and why are people staying over there 90 days even now without a trial. So I think the public should know that y'all have been working on this a long time. It's bearing fruit. And I've been most encouraged to see the state step forward. Never did I believe in my lifetime that a Governor of this state would say lock them up is not getting it done. But, of course, he's looking at the bottom line. And you can build jails from now on. You all know because you all told us first, it'll never stop it. So I want to say thank you for that. I know what you all do, but I want to emphasize it again. What we do has to be fact-driven. The science has to support it. And I think if we stay on that and let the media do their media thing and we just keep our eyes on the ball, as you have done for over ten years with this alternative approach, I think we'll continue to lead the state and this whole region in what we're doing in this area. Thank you, Mr. Chairman."

Chairman Eaves - "Commissioner Garner."

Commissioner Garner - "Yes. Good afternoon, Judge Wright. . . ."

Judge Wright - "Good afternoon."

Commissioner Garner - ". . . and D.A. Howard. I would also like to extend my thank you for the work that you have done over the past ten years as Vice Chair Darnell mentioned in Accountability Courts. But I just want to say that, again, when I attended the Association of County Commissioners of Georgia meeting, there was a standard of excellence course on Accountability Courts. And as I listened to the presentation, it was actually on the DUI Court, and I asked a question about Community Courts. And they really didn't understand what I was talking about. So I felt very proud to know that we are headed -- that we are doing very unique work and that we're doing good work and that we're being forward-thinking in how to address this issue. And that the Accountability Courts is seen in

our state and around the country as a way to help us to start reducing the amount of money that we're spending putting people in jail and keeping people in jail, but also helping our citizens become productive citizens. So I am very pleased that we are doing the right thing and that we are setting precedents. And I'm really interested in this Community Court that we are setting a model that the rest of the state can use. Thank you."

Chairman Eaves - "Let's vote, Commissioners."

Clerk Massey - "That motion passes unanimously. Seven yeas, zero nays."

Judge Wright - "Thank you."

Chairman Eaves - "We will adjourn for closed Executive Session."

Vice Chair Darnell - "That was as amended; right, Mr. Clerk?"

Clerk Massey - "Yes, ma'am. Yes."

Vice Chair Darnell - "Thank you."

(Whereupon, the meeting broke at 12:40 for recess and Executive Session, and reconvened at 1:18 p.m.)

Finance

12-0359 Presentation of the May 2012 Budget Soundings. (PRESENTED)

Chairman Eaves - "Ladies and gentlemen, let us come to order as we reconvene our Board meeting. Mr. Massey, if you can sound the next item, please."

Mark Massey, Commission Clerk - "Mr. Chairman and members of the Board, you're on page 6, under Finance. That's item **#12-0359**. Presentation of the May 2012 Budget Soundings."

Mr. Zachary L. Williams, County Manager - "Thank you, Mr. Chair and to the Board. And I'll let Patrick join in. But these are revenue-neutral soundings request simply for presentation. Patrick if you want to."

Mr. Patrick O'Connor, Finance Director - "As the County Manager said, these are revenue neutral, there are no new funds involved. There's two positions within the General Fund that is a supplement of being changed. And there's a request to establish an Information Systems Manager, and in a State and Magistrate's Courts. And that will be funded internally from the resources within their department. Then the Water and Sewer fund, basically we just have title changes

on several positions and there's no new money involved."

Chairman Eaves - "All right. Anything else?"

Clerk Massey - "Presentation."

Chairman Eaves - "Okay. Just a presentation. Next item, please."

Facilities and Transportation Services

12-0360 Request approval to proceed with a program to replace cell door locks at the Fulton County Jail by the Facilities and Transportation Services Department and authorization to add a financing schedule to the existing Jail MEP Master Lease in the total amount of \$6,400,000 to provide funding for the replacement cell door locks for the Fulton County Jail. (NO ACTION TAKEN ON THIS ITEM; SEE MOTION D) (HELD)

A. A motion was made by Commissioner Garner and seconded by Chairman Eaves to approve. The vote was 3-0-1. Chairman Eaves and Commissioners Lowe and Garner voted yea. Commissioner Pitts abstained. Vice Chair Darnell and Commissioners Edwards and Hausmann were present but did not vote. (THE MOTION FAILED FOR A LACK OF FOUR AFFIRMATIVE VOTES; THEREFORE, NO ACTION WAS TAKEN AND THIS ITEM WAS HELD)

B. A motion was made by Chairman Eaves and seconded by Commissioner Hausmann to reconsider Item #12-0360. The motion carried by a vote of 4-1-0. Chairman Eaves, Vice Chair Darnell, and Commissioners Hausmann and Garner voted yea. Commissioner Lowe voted nay. Commissioners Pitts and Edwards were present but did not vote.

C. A motion was made by Vice Chair Darnell and seconded by Chairman Eaves that the amount be changed to "up to \$6,400,000." (MOTION WITHDRAWN)

D. A motion was made by Vice Chair Darnell and seconded by Commissioner Edwards to receive in two weeks a completed assessment with a recommendation for a cost amount. The motion carried by a vote of 6-1-0. Chairman Eaves, Vice Chair Darnell, and Commissioners Pitts, Hausmann, Garner, and Edwards voted yea. Commissioner Lowe voted nay.

Mark Massey, Commission Clerk - "Facilities and Transportation Services. #12-0360. Request approval to proceed with a program to replace cell door locks at the Fulton County Jail by the Facilities and Transportation Services Department and authorization to add a financing schedule to the existing Jail MEP Master Lease in the amount of \$6,400,000 to provide funding for the replacement cell door locks for the Fulton County Jail."

Chairman Eaves - "Mr. Manager, before you speak, just want to acknowledge the presence of Mr. Butts and Colonel Adger, you're certainly welcome to be a part of the conversation. Mr. Manager."

Mr. Zachary L. Williams, County Manager - "Thank you, Mr. Chair. What we're seeking here, and hopefully it's clear in the way it's presented, is authority from the Board to add an additional schedule to the MEP Master Lease, which was essentially a borrowing wherein we updated the jail for the consent decree to the tune of about \$54 million. What we would be requesting here is authorization to solicit replacement locks -- well, solicit replacement locks based on an evaluation of the need and bring back to the Board a procurement that would be up to \$6.4 million. As we sit here today, we don't know how much exactly we would need. But with this authorization and knowing that the Board has allowed us to add an additional schedule that we'll have funds to work with. So that's what we're really requesting."

Chairman Eaves - "All right. Thank you, Mr. Manager. Is there a motion to approve?"

Commissioner Garner - "So moved."

Chairman Eaves - "Second. Let's vote, Commissioners."

Clerk Massey - "On the motion to approve, that motion fails for a lack of four affirmative votes. Three yeas, zero nays and one abstention."

Vice Chair Darnell - "Mr. Chairman."

Chairman Eaves - "Vice Chair."

Vice Chair Darnell - "Thank you, Mr. Chairman. I was wondering whether or not, since we are not really certain whether or not the total replacement of these locks will be necessary and since we are in an extreme -- we continue to be in economic stress in this County. I was wondering whether or not we might want to consider an up-to an amount. Up to --."

Commissioner Pitts - "Point of order."

Chairman Eaves - "Commission Darnell has the floor. She has the floor."

Commissioner Pitts - "Point of order."

Chairman Eaves - "She has the floor. She has the floor."

Commissioner Pitts - "Point of order allows me to raise a parliamentary question."

Chairman Eaves - "Commission Darnell, get finished."

Vice Chair Darnell - "That was the statement I wanted to make. Thank you, Mr. Chairman. The motion has failed, and I wanted to suggest to the Board whether or not we might want to consider an up-to amount."

Chairman Eaves - "All right."

Vice Chair Darnell - "Considering the severe economic stress that we have in the County."

Chairman Eaves - "All right. Commissioner Pitts."

Commissioner Pitts - "All right. Mr. Parliamentarian, a point of order should be heard when it's requested by a member. That's point number one. But on the point itself, I'm not arguing the merits, one way or another. But the vote had been taken, the results had been announced. So that ends the discussion on that particular item."

Vice Chair Darnell - "Well, it didn't --."

Chairman Eaves - "Mr. Ware, you're the Parliamentarian, can we reconsider the item?"

Attorney Ware - "The Board can certainly move to reconsider it."

Commissioner Lowe - "We can now."

Chairman Eaves - "Board, we can reconsider the item, yes."

Attorney Ware - "Yes. You can make a motion to reconsider it."

Chairman Eaves - "Commissioners, I move that we reconsider this item."

Commissioner Hausmann - "Second."

Chairman Eaves - "Okay."

Commissioner Hausmann - "Second."

Chairman Eaves - "All right. So, Commission Darnell, --."

Commissioner Hausmann - "Are we going to vote on this?"

Chairman Eaves - "Yes."

Attorney Ware - "Now, you have to vote on the motion for reconsideration."

Chairman Eaves - "Yes. Let's vote on, please. Voting on reconsidering the item."

Clerk Massey - "The motion. . . ."

Commissioner Lowe - "Voted wrong."

Clerk Massey - ". . . to reconsider passes. Four yeas, one nay."

Chairman Eaves - "Okay. So Commission Darnell put forth a suggestion. Could you restate that, Commission Darnell?"

Vice Chair Darnell - "That the amount be changed to up to. . . ."

Chairman Eaves - "Okay."

Vice Chair Darnell - ". . . \$6 million."

Chairman Eaves - "All right. So is that a motion, Commissioner?"

Vice Chair Darnell - "Yes, is a motion."

Chairman Eaves - "All right. Second that motion. All right. Up to. Can you resound that item, Mr. Clerk?"

Clerk Massey - "This is a request approval to proceed with a program to replace cell door locks at the Fulton County Jail by the Facilities and Transportation Services Department and authorization to add a financing schedule to the existing Jail MEP Master Lease in the total amount of up to \$6.4 million."

Chairman Eaves - "Commissioner Hausmann."

Commissioner Hausmann - "Now, can someone please tell me the process that's going to be used in this instance if we approve this? There's an evaluation that must be done and then what exactly is the plan?"

Mr. David Ricks, General Services - "If the Board approves this item what we

plan to do is we'll have one of our standby professional services contractor, HOK, to do a detail design assessment working with jail staff and come up with a detailed cost and an actual plan for implementation. And then we would bid that out and then bring a recommendation back before the Board for a contract approval."

Commissioner Hausmann - "First of all, you'll establish a baseline to find out if we even need. . . ."

Mr. Ricks - "That is correct."

Commissioner Hausmann - ". . . to replace these locks."

Mr. Ricks - "That is correct."

Commissioner Hausmann - "So have we done that piece yet? I know we've got a report, but have we verified that, in fact, the locks are deficient?"

Manager Williams - "And, Commissioner, that would be part of the exercises of validation of previous reports and a new analysis. Something that wasn't mentioned that I think will be important also is a discussion with the Sheriff's Office in terms of are there operational changes that can be made that may be able to lessen or minimize the total capital outlay once we determine the need for and how extensive the need is for replacing locks."

Commissioner Hausmann - "See, personally, I think I would be more comfortable having that information prior to authorizing the spending of the lock replacement."

Commissioner Edwards - "Yes."

Commissioner Hausmann - "So I feel like that it should be a two-step process. Have the evaluation, get that assessment, come back to us with our options, and then we can decide what's the best course of action."

Commissioner Lowe - "Mr. Chair."

Chairman Eaves - "Commissioner Lowe."

Commissioner Lowe - "All we've got to do is instruct the County Manager to bring it back up in two weeks, be sure we've all got copies of it at the Board containing all of these things that Liz just talked about. In other words, how the money's going to be spent, if you just said this will take the form of a regular construction contract and about the same amount. That's actually what we're doing. The committee will be different, it will be made up over there, I assume, by their people. But as far as getting proposals in here and getting bids in here for this thing, there's nothing magic about that. I thought at first that we were just going to allocate 6.4 million for them and let them go over there and start replacing locks."

That's the way it read to me. It wasn't right, for sure."

Chairman Eaves - "All right. Commissioner --."

Commissioner Lowe - "Could you bring that back to us, Mr. Manager?"

Manager Williams - "Commissioner, whatever the will of the Board. As it relates to an assessment of the total need for locks in concert with any operational changes that would need to be made, I would have to get back to you in terms of determining how long that would take. I can almost rest assured that I could not bring that back in two weeks, Commissioner."

Chairman Eaves - "Okay."

Commissioner Lowe - "Can we still --."

Chairman Eaves - "Go ahead, Commissioner Lowe."

Commissioner Lowe - "Can we still go on out for prices on it? If we think the locks are going to have to -- some locks are going to have to be replaced, we ought to get that on the street. That's what the Judge doesn't like about what we do. We dog money, it looks like we're trying to throw obstacles in his path to get things done. I think we ought to get things done. Let's go out on the street and at the same time get this analysis of just what has to be done and let's get some bids in here. State clearly in the Agenda and then give us something that we can vote and finalize on."

Commissioner Hausmann - "But at this point, what will we put on the street? You know, if we haven't done an analysis, we don't know what we need."

Chairman Eaves - "Right."

Commissioner Hausmann - "I just feel like we need to do the analysis first."

Chairman Eaves - "Okay. Hold on. Let's restate the motion and what does it call for. And let's figure out if there's a way that we can address the concern that Commissioner Hausmann raised, if it can be factored into the motion."

Manager Williams - "The primary objective of this motion was to get authorization from the Board that if we determine we need to upgrade locks we can use -- or add a new schedule to the jail MEP, because it's essentially a borrowing. Okay. So if maybe we could word it, and I'm just thinking as I'm talking. But if the direction to staff was, if we come back and determine that there is a need to replace locks up to some dollar amount, that the Board would be supportive of using, you know, adding an extension onto the MEP as a funding source. I think that's enough for direction for staff to move forward. The issue would -- the flip side is if we were to

go forward, do the evaluation, request bids without authorization from the Board as to where we would get money, that's where we'd be kind of stuck."

Chairman Eaves - "All right. I'm not sure I'm clear with what you said. So with the motion there is an assessment piece or an evaluation piece?"

Manager Williams - "Right. There will be an evaluation of the need and. . ."

Chairman Eaves - "Okay."

Manager Williams - ". . . to see how extensive that is. And based on that we would put out a bid and we're proposing of, you know, we would be spending through the MEP up to \$6.4 million."

Chairman Eaves - "Okay."

Manager Williams - "That's what the request was."

Chairman Eaves - "All right. Commissioner Hausmann, how does that differ from the concern that you raised? I heard you mention the assessment piece. So you're suggesting that there'd be an assessment done first, then come back to this Board in terms of what the assessment is and then we decide whether we should put a RFP on the street."

Commissioner Hausmann - "I don't know what we would put on the street if we don't know what our current status is. So that's my request, that we understand exactly what we need and before we put it out on the street. And I don't know, do you think that we have to do the full 6 million up front or could we fund now the assessment and then talk about in real numbers what we actually are going to be spending?"

Vice Chair Darnell - "I'd like to change my motion."

Chairman Eaves - "Hold on. Commissioner Hausmann has the floor followed by Commissioner Edwards and then Commissioner Darnell. Anyone else?"

Manager Williams - "Commissioner Hausmann, I would imagine, and I'm looking at David, but we could fund the assessment, the evaluation. This money is primarily for lock replacement. So the dollar amount that would be required to do the evaluation would simply come out of Facilities and Transportation's budget or Sheriff's budget."

Commissioner Hausmann - "Commissioners, that would be my thought, is we just fund the assessment and then find out exactly where we are to determine how much more of an extension of the lease agreement we need to authorize."

Chairman Eaves - "Commissioner Edwards, Commission Darnell."

Commissioner Edwards - "I'm going to have to write this day down. I'm agreeing with Commissioner Hausmann. She's right. Did you say that you're going to use a standby contractor?"

Mr. Ricks - "We haven't -- one of our existing professional contractors, HOK, who's done work at the jail, they would be engaged to actually perform a detailed assessment and develop a detailed scope of work working in concert with the Sheriff Department --."

Commissioner Edwards - "Why are you using a standby contractor?"

Mr. Ricks - "Because if we went out for bid it would take us longer to get that work started."

Commissioner Edwards - "Stop right there. You see that's my problem. That's the game that's played around here. When it gets down to crunch, you want to use standby contractors to get something done. And don't let me go on my spill about County standby contractors, please. I think it's got to be an open and fair process. I'm agreeing with her. We need to find out -- the first time I heard about this was on the TV. Now, I'm not going to make a decision based on what Channel 2, 11, and 5 say. And then the other part about is if you say, Commissioner Hausmann, if you go out there and say we're going to go up to \$600 -- \$6 million, they're going to eat up as much of that \$6 million as they can. That's just human nature, my friend. So I would like to know, like her, I'd like to know what I'm voting on. Not a TV article, and not what some deputy said on TV, or not what ever came by. I want to know the facts. Why do we need it? How much are we going to need? What's it going to cost us? What are we going to get out of it? Is it going to make it any safer than it was before? All these questions need to be answered. So I'm not playing the standby contractor game now, because that's what we've been playing around a long -- you know I know, Mr. Ricks. So I'm just saying, let's go through a process that takes us to where we're going to take us. I mean, we've had this problem but we go through it right. We'll live through it a little bit longer. But we need to do it right, Mr. Manager, and come up with some factual evidence that shows me that I have something to vote on. So I agree with Commissioner Hausmann 100 percent."

Chairman Eaves - "Commissioner Darnell."

Vice Chair Darnell - "I never agree with Commissioner Hausmann 100 percent on anything and that includes this item, because her view is always from North Fulton. I try to have a view for this entire County. As the maker of the motion, I would like to withdraw it. I had assumed that if we had a request for a project at \$6,400,000, we had the necessary data to support it. I think we should follow this as we do any other procurement."

Commissioner Edwards - "Right."

Vice Chair Darnell - "The County Manager should make a determination of what the need is or place a dollar amount on it and come to this Board. I don't see why it can't be in two weeks. We don't have to pay everybody for everything. Can't we do an evaluation in-house of what locks need to be replaced and do an estimate of what the cost is? Come back to this Board with the assessment and with the recommendation. I don't care whether it's standby or not. That's not my issue. My concern is that before we vote any money, we have to have an assessment of need and you will, of course -- well, just follow the procedure we follow all the time. When we buy widgets, we come to the Board saying we need nine widgets, we estimate it's going to \$1800, we'd like to proceed. And I think that's the way we ought to handle it. I withdraw my motion for up to \$6.4 million because I had assumed we had the data in the file upon which we could do this. But apparently we don't. I will support a motion, though, that would allow us to move forward with this project based on what we have determined to be the actual need."

Commissioner Edwards - "Make that motion."

Vice Chair Darnell - "I won't even -- and I so move."

Commissioner Edwards - "Second."

Chairman Eaves - "Commissioner Garner."

Commissioner Garner - "Yes. Good afternoon, gentlemen. In light of this conversation that we're having, how did we come up with the figure \$6.4 million? What is that based on?"

Manager Williams - "Yes. Chief Adger can speak to the evaluations that have been done by various companies. Chief."

Chief Adger - "Yes, good afternoon, Commissioners. What started all of this is over the years we have done various types of lock repairs at the jail. The earliest documentation that I have seen dates back to 2003, and I won't go into what that documentation says, but a number of deficiencies were noted. And over the years we have done repair piecemeal. And basically we have two types of locking devices. We have door operators on our sliding doors in maximum security and we have keyed lock sets for the swinging doors that are on hinges. And the 2003 report enumerates several deficiencies in both of those devices. On the swinging doors, which we have the most, there was not only a deficiency in the lock set, which by today's standard is a minimum security lock. But there are also deficiencies in the hinges and the doorframes dating back to when the jail was first constructed. Since my tenure back at the jail, starting in 2009, we've added hardware to make the locksets and the door operators more tamper resistance and

that has failed. The door set -- the locksets and the door operators are not tamper resistant. Last year I contacted several vendors to come in and study the problem and give me some advice as to what we could do. One of the vendors provided a prototype door for the sliding operators. They brought in a prototype. They demonstrated it to us. It worked to our satisfaction. And without getting into the specifications and how those doors work, we purchased one on the Inmate Welfare Fund, installed it, and it has not failed yet. And we've put at least two inmates that were problematic in that area, in that cell. We then had them look at our swinging doors and suggest remedies to those locksets. And they proposed two remedies. One was where they go in and cut out a section of the wall and install a modern day heavy duty maximum security lockset. And the other remedy was a surface mount lock enclosure which fixes not only the situations with the lockset, but adds additional security so that the lock cannot be tampered with. And the preliminary cost for those two solutions was tentatively multiplied out per the number of doors that have to be replaced and the work that has to be done. And that initially came out to \$6.4 million. And that amount admittedly, my staff and the vendor is probably on the low side. I would strongly recommend that you follow your intuition on this and get all the information that you can. So far, to date, HOK has come in and I believe they have provided information that can be a baseline. How you would want to proceed from here, we, of course, leave to your capable hands. But the need is there. We've tried on several occasions different remedies, to this date have all failed."

Commissioner Garner - "Thank you. And this information has been documented?"

Sheriff somebody - "Yes, ma'am, it has."

Commissioner Garner - "So there is a basis for this number and a basis for the need. So I guess the question would be how we want to go about procuring this service."

Commissioner Lowe - "Tell him to send it to us."

Vice Chair Darnell - "But --."

Chairman Eaves - "All right."

Commissioner Garner - "Right."

Chairman Eaves - "Commissioner Garner has the -- okay. Are you asking the question to ourselves"

Commissioner Garner - "Yes. I'm --."

Chairman Eaves - ". . . or to the manager, or whom?"

Commissioner Garner - "I'm confused as to -- I mean, if we have an analysis, if we have a basis for why you're requesting this service and the cost, then I guess I'm a little confused as to why we can't move forward on this."

Chairman Eaves - "So in other words, what you heard -- you heard an analysis was done. . . ."

Commissioner Garner - "Yes. Correct."

Chairman Eaves - ". . . based on what Colonel Adger has described. So how does this differ from what's on the floor? Is there a --."

Commissioner Garner - "Or the information that's being requested. And I'm thinking about your concern, Commissioner Hausmann."

Commissioner Hausmann - "And I heard you say that you think we should further investigate what to do."

Colonel Adger - "I think you should be comfortable with the facts that are available. I don't know and I cannot estimate for you if we can supply all the data you need, especially in terms of how much this is going to cost in the final analysis, and the number of doors that are involved. There's still some question as to whether or not we should do all doors or just all cell doors, or all cell doors and just the sally port doors. And that can get complicated. I can tell just from looking at the member -- membership that, you know, what are you talking about. But I think you need to be comfortable with the level of information you have, and I don't know, standing here right now, that we've provided all of that information."

Commissioner Hausmann - "And I think that's why we're having this conversation because we don't have the information that we need that you just outlined. And is there only one solution or are there other solutions that we should consider, as well? So you mentioned you've tried things and they haven't worked. So I just think that we need a little more information, at least I do, before agreeing to a purchase of this magnitude."

Chairman Eaves - "Okay. So with the motion on the floor, can this be done in two weeks? Because to me we need to move with dispatch. So again, what Commission Darnell emphasized, and I think all of us can agree to it, can this be done in a two-week period? So you've done some sort of preliminary assessment, but has it been formal or thorough or comprehensive? And so, can we get that done in two weeks?"

Manager Williams - "Mr. Chair, we will do all that we can to bring a report back in two weeks, if that's the will of the Board."

Chairman Eaves - "Okay. So --."

Manager Williams - "The nature of this item was to get the authorization to do, among other things, this evaluation. We were not intending to have the evaluation back in two weeks where we would look at the data that has been provided by contractors or consultants who've worked for Chief Adger. We felt that, as your staff, it was imperative that we brought back to you something that we would be comfortable with in determining the total spending that we would be requesting."

Chairman Eaves - "Okay. So let's just put a two-week window in terms of this item if you accept that, Commission Darnell."

Vice Chair Darnell - "Yes. Yes, I think two weeks will be fine because that will give the County Manager and his staff an opportunity to follow our rules when it comes to spending \$6 million. The department's information will be helpful, but we don't have purchasing departments in departments anymore. So in two weeks, making use of whatever data's in the department and wherever we can do both of those. Get the assess, and that was the problem, Commissioner Garner. Departments can't put dollar amounts on \$6 million. It has to come in here. But, of course, we lean heavily on departments to get that information. But, yes, it can be done in two weeks. I don't think we have to go out and contract with folks for everything. Yes, I would like to set a two-week deal on coming back to us, before the Board. After consultation with the department and following the rules, come back in and let us see what you have. And I would be comfortable just following the same way we do when we buy anything every twice a month."

Chairman Eaves - "All right. And, Colonel Adger, as I heard you, I heard an assessment that was done, but I don't hear a whole bunch of -- 100 percent confidence in terms of what you've come back with. And so, perhaps this assessment will answer any questions that we may have as a body. So there's a motion on the floor. Ready to vote?"

Commissioner Pitts - "But just a minute. Point of order. Point of order. I don't disagree with what I've heard, but you need to perfect the motion, Mr. Chairman. Mr. Parliamentarian, the motion was properly made to reconsider. I'm assuming that those who made the motion voted on the prevailing side. I don't know that to be a fact, but that's required, assuming that they did. The second part of that, though, is to rescind the previous action before the new motion."

Attorney Ware - "Correct. And there was no previous action because the item failed. Commission Darnell made a motion, but she withdrew it."

Commissioner Pitts - "The previous action though was to -- it failed."

Attorney Ware - "Correct. It failed for a lack of four affirmative votes. Commission Darnell made a motion, which she's now withdrawn. That there will

probably need to be a new motion, a second, and then the Board can decide."

Chairman Eaves - "So according to the Parliamentarian, you may need to -- Commission Darnell, withdraw your motion."

Attorney Ware - "She already did."

Commissioner Edwards - "She did."

Chairman Eaves - "What about the one that's on the floor right now?"

Vice Chair Darnell - "I didn't withdraw --."

Chairman Eaves - "Okay."

Attorney Ware - "There's not one on the floor."

Chairman Eaves - "I thought there was one on the floor."

Vice Chair Darnell - "The Clerk can tell us what that one is."

Chairman Eaves - "There's one on the --."

Clerk Massey - "Yes."

Chairman Eaves - "There's one on the floor."

Clerk Massey - "There's a motion made by Vice Chair Darnell, seconded by Commissioner Edwards, to move forward with determining a need for after completing an assessment or evaluation of the needs. There was also a friendly amendment made by Chairman Eaves to formalize this assessment and to provide feedback within two weeks."

Vice Chair Darnell - "Yeah. We do need to clean that one up a little bit."

Chairman Eaves - "All right. So the part --."

Vice Chair Darnell - "My motion then -- the intent of my motion was to have back in two weeks a completed assessment with a recommendation for a cost amount. That's the intent of my motion."

Chairman Eaves - "Does the second -- do you, Commissioner --."

Commissioner Edwards - "I'm the second. I'm fine."

Chairman Eaves - "You agree with that?"

Commissioner Garner - "And I'm okay."

Chairman Eaves - "And you countered, there was a two-week specification."

Vice Chair Darnell - "Yes, sir."

Chairman Eaves - "Okay. That's fine."

Vice Chair Darnell - "Yes, sir. Non-negotiable."

Chairman Eaves - "All right. Mr. Parliamentarian, this is fine?"

Attorney Ware - "We're good."

Chairman Eaves - "All right. Let's vote. . . ."

Attorney Ware - "Yes, sir."

Chairman Eaves - ". . . Commissioners. Let's vote."

Clerk Massey - "That motion passes. Six yeas, one nay."

Chairman Eaves - "Next item. Thank you, ladies and gentlemen."

12-0361 Request approval of the replacement of 105 County vehicles by the Facilities and Transportation Services Department and authorization to use an Equipment Lease Purchase arrangement in the total amount of \$2,026,208 to provide funding for replacement vehicles for Fulton County. (APPROVED)

A motion was made by Commissioner Lowe and seconded by Chairman Eaves to approve. The motion carried by a vote of 5-1-0. Chairman Eaves, Vice Chair Darnell, and Commissioners Hausmann, Garner, and Edwards voted yea. Commissioner Pitts voted nay. Commissioner Lowe was present but did not vote.

Mark Massey, Commission Clerk - "#12-0361. Request approval of the replacement of 105 County vehicles by the Facilities and Transportation Services Department and authorization to use an equipment lease purchase arrangement in the total amount of \$2,026,208 to provide funding for replacement vehicles for Fulton County."

Commissioner Lowe - "I make a motion to approve."

Chairman Eaves - "Second. Any discussion? Commissioner Hausmann."

Commissioner Hausmann - "Was this item budgeted in the budget this year?"

Mr. Zachary L. Williams, County Manager - "No. Commissioner, this item was not part of a capital budget. That's why we're proposing the equipment lease purchase arrangement so that the repayments would be budgeted in future years."

Commissioner Hausmann - "So where's the funds coming from to make the lease payments?"

Manager Williams - "We will simply deduct those from existing operating budgets in order to pay the balance."

Commissioner Hausmann - "That sounds kind of complicated. I think we've kind of cut to the bone, at least from your words. So where are you going to come up with this money?"

Manager Williams - "Commissioner, although we have made significant cuts over the past several years, there are two options: continued cuts or increase revenues. The direction that I have heard fairly clearly from the Board is that there will not be increased revenues so we will continue to find operational savings in order to pay for those essential functions, and these are some of those."

Commissioner Hausmann - "And I would agree there's a need here. Okay. So I'm not disputing that. But it tells me that there's going to be operational cuts in other areas. So I guess I need a little more information on that."

Manager Williams - "Commissioner, this will represent approximately \$400 thousand into the annual payment in 2013. We will be cutting, I'm thinking on order of magnitude, millions of dollars. So as I sit here today, I'm not prepared to offer where I would recommend cuts come from to the Board. But that will be a process of developing the 2013 budget, which will have cuts likely from across the board."

Commissioner Hausmann - "But 400 thousand comes out of the 2012 budget; correct?"

Manager Williams - "This begins -- I believe the payments begin in 2013."

Commissioner Hausmann - "So there's no payments due in this calendar year?"

Manager Williams - "Right."

Commissioner Edwards - "Sharon."

Manager Williams – "Ms. Whitmore."

Ms. Sharon Whitmore, Finance - "Commissioner, that would depend on when we actually close the transaction and do the first draw. There is a strong likelihood that we would be able to structure it so we would not have a payment due until 2013."

Commissioner Hausmann - "So it really will not affect the budget we just approved. It's next year's budget."

Manager Williams - "Right. More than likely, Commissioner, it would not affect the 2012 budget. And if so, I mean, we're always cutting."

Commissioner Hausmann - "All right. Thank you."

Vice Chair Darnell - "Mr. Chairman."

Chairman Eaves - "Vice Chair."

Vice Chair Darnell - "Just a matter of clarification, and I know my confusion is based upon the fact that I'm totally unfamiliar with this area. But I'm interested in determining the standard, the test, that you used for determining that a vehicle needed to be replaced. In one instance you indicate that the cost of maintenance exceeded the Kelly value of the vehicle. And then in another place you say that the cost of maintenance exceeded 50 percent of the value. Are you referring to the same thing?"

Mr. David Ricks, General Services - "Yes, ma'am."

Vice Chair Darnell - "There seems to be a conflict."

Mr. Ricks - "That -- the 50 percent of value is based upon a reference document. The reference document we're using is the Kelly Blue Book value."

Vice Chair Darnell - "Okay. I'm sorry?"

Mr. Ricks - "The reference document for the 50 percent value is a standard document that used in industry called the Kelly Blue Book."

Vice Chair Darnell - "Yes. So in making a determination as to whether or not maintenance costs have exceeded value, when we say 50 percent of value, are we referring to Kelly value?"

Mr. Ricks - "Yes, ma'am."

Vice Chair Darnell - "All right. And then in another paragraph you indicated that with respect to the vehicles that are being recommended that they are, quote, proven performers in fleets nationwide, are you referring to all the vehicles that are listed or to just one vehicle?"

Mr. Ricks - "All the vehicles."

Vice Chair Darnell - "All right. And what is the source of your information on that, that they have been proven performers in fleets nationwide? Is there some sort of evaluating institution or. . ."

Mr. Ricks - "Well, --."

Vice Chair Darnell - ". . . agency like JD Power or somebody? Is it JD Power? That's what I'm trying to find out. When we say proven performers, proven by -- I mean, who says so?"

Mr. Ricks - "Well, basically --."

Vice Chair Darnell - "That this vehicle is a proven performer."

Mr. Ricks - "What we're recommending is that we will use basically a state contract vehicle that structured for public vehicles that has basically very good maintenance records and very good high operational capability."

Vice Chair Darnell - "What's the name of the document?"

Mr. Ricks - "Well, there is -- we -- what we're -- if it's approved then we'll -- there's a state purchasing contract that we would plan to use to implement the purchase of these vehicles, the lease of these vehicles."

Vice Chair Darnell - "All right. I don't understand what the answer is to my question. Are you saying that when you say that a vehicle is a proven performer, that it's based upon the collection of data from several sources or from our experience or --."

Mr. Ricks - "Basically from our experience in terms of the vehicles we've used in the past and what we forecast in terms of the need for the user departments."

Vice Chair Darnell - "Uh-huh (affirmative). And we have some folks that are specialists in that area?"

Mr. Ricks - "Yes, ma'am."

Vice Chair Darnell - "All right. Now, the last one is just for clarification. You said there has been a conscientious effort to downsize all requested vehicles. Are you

referring to those that are the subject of this item, or has there been some continuing process of trying to downsize vehicles?"

Mr. Ricks - "There is a continuing process as we work with different user departments looking at their needs."

Vice Chair Darnell - "When did it begin?"

Mr. Ricks - "This has been an ongoing process since I've been here."

Vice Chair Darnell - "When did it begin? Do you know?"

Mr. Ricks - "I'll have to get the data for that, ma'am."

Vice Chair Darnell - "All right. I'd like to know about that. In your consideration of replacement vehicles, have you taken into account the environmental policy of this Board, and that is to reduce to a minimum the number of vehicles that we have. . . ."

Mr. Ricks - "Yes, ma'am."

Vice Chair Darnell - ". . . on the road? Tell us about that."

Mr. Ricks - "Well, one of the things, in looking at our fleet it's over 700 vehicles and based upon our current policy in terms of the miles and repair costs, we could actually repair more than the 105. And what we recommend is just the most critical units. And so we're looking at -- looking at different user agencies in terms of what their most critical needs in terms of meeting their operational effectiveness. And half of the request is really for your safety vehicles, in terms of the Sheriff and Police Department."

Vice Chair Darnell - "That's not magic to me."

Mr. Ricks - "Uh-huh (affirmative)."

Vice Chair Darnell - "That may have been magic years ago when you say public safety. . . ."

Mr. Ricks - "Right."

Vice Chair Darnell - ". . . Sheriff and Police, but it's not magic to me. They're professionals and they understand that action relating to their department has to be based upon sound data just like everybody else."

Mr. Ricks - "Yes, ma'am."

Vice Chair Darnell - "Just like the people over in Aging, they have to have sound data to support their requests, so do public safety people. So let me ask you a question. If the Police Department has 40 vehicles, do you assume in determining what needs to be replaced that you've got to replace it up to 40?"

Mr. Ricks - "No, ma'am. We look at basically the usage data and the operational needs."

Vice Chair Darnell - "Use data."

Mr. Ricks - "Yes, ma'am."

Vice Chair Darnell - "All right. I want to suggest, Mr. County Manager, that we also look at the policy of this Board with respect to environment."

Manager Williams - "Absolutely."

Vice Chair Darnell - "And I'd like for you to put that in some kind of administrative direction and let the members of the Board see it. We can't talk one thing to the public and do another. We might have too many cars in some of these departments. But I guess that's part of the question of who -- no, that's another question as to who drives County vehicles. But we're not talking about who right now. We're talking about the number."

Mr. Ricks - "Yes, ma'am."

Vice Chair Darnell - "We're talking about the number. And I sure am hopeful that we don't start chasing cars down through people's residential neighborhoods and have them driving into folks' bedrooms while they're sleeping trying to catch somebody. That's a car we didn't need. Thank you, Mr. Chairman."

Chairman Eaves - "You're welcome. This is an action item. Is there a motion?"

Clerk Massey - "You have the motion."

Chairman Eaves - "Okay. All right. Let's vote."

Clerk Massey - "There's a motion to approve. That motion passes. Five yeas, one nay."

Purchasing and Contract Compliance

12-0362 Request approval to amend existing contract, Facilities and Transportation Services Department, Bid #BL055-09, Gasoline and Diesel Fuel, in the amount of \$591,027 with Mansfield Oil

Company, Inc. (Gainesville, GA) to provide gasoline and diesel fuel, effective upon BOC approval. (APPROVED)

A motion was made by Commissioner Edwards and seconded by Chairman Eaves to approve. The motion carried by a unanimous vote of 7-0-0. Chairman Eaves, Vice Chair Darnell, and Commissioners Pitts, Hausmann, Lowe, Garner, and Edwards voted yea.

Commissioner Hausmann requested that the staff be proactive in reducing vehicle usage.

Mark Massey, Commission Clerk - "Page 7. Purchasing and Contract Compliance. **#12-0362**. Request approval to amend existing contract, Facilities and Transportation Services Department, to provide gasoline and diesel fuel."

Chairman Eaves - "Is there a motion to approve?"

Commissioner Edwards - "So moved."

Chairman Eaves - "Second. Let's vote."

Commissioner Garner - "I have a question."

Chairman Eaves - "Okay. I'm sorry. Who raised their hand first?"

Commissioner Garner - "I think Liz."

Chairman Eaves - "Okay. Commissioner Garner, then Commissioner Hausmann."

Commissioner Hausmann - "What are we doing to manage the usage of the cars? I know how expensive gas is, but are we working to do things territorially by area, combine trips? Are we proactively working to drive as little as possible?"

Mr. David Ricks, General Services - "Yes, ma'am. One thing we also do, we actually on a monthly basis we provide the usage reports to every effective agency. The other thing in terms of the fuel management, we actually have on the street a contract to automate the data reporting. Right now we contract that out. And we're going to basically do that in-sourcing ourselves with some software assistance. Now it's actually -- it's put what we call RFD tags actually on the vehicles to give us better data to do -- get really into the weeds in terms of the usage. But this request in terms of the increase, basically is about the -- one of the major factors was that, as you well know in these past several months we had some fuel price increase. We're actually have a 14 percent into the fuel price increase, and so us driving basically some of the request for this increase. The

other thing in terms of financial management, this contract is part of a larger multi-agency contract to buy fuel in bulk. This is for diesel and unleaded fuel. We have about 16 tanks that we basically around the County that people, agencies, can fuel up their cars. But -- so you're exactly right in terms of the things that we need to do in terms of improving our efficiency."

Commission Hausmann - "I'm aware of how much gas cost."

Mr. Ricks - "Right."

Commissioner Hausmann - "And I have to pay for it myself. So I have to limit my trips in order to accommodate the price increase. I guess what I'm asking you is, are our employees looking at it through that same lens that they are limiting their trips and only driving as necessary?"

Mr. Ricks - "Yes, ma'am."

Mr. Zachary L. Williams, County Manager - "Yes, Commissioner Hausmann. There is a certain amount of that but there are areas that we can probably look at closer and those may or may not be under the Manager, but the Sheriff's Office is a power user. And it warrants a closer look. I hear what you're saying."

Commissioner Hausmann - "I've heard stories of trips that seem unnecessary. So, I think you've all heard those same or similar stories. So just my request that you proactively work to only use these vehicles when they're absolutely necessary, the trips are absolutely necessary."

Mr. Ricks - "Yes, ma'am."

Commissioner Hausmann - "Thank you."

Chairman Eaves - "Commissioner Garner."

Commissioner Garner - "Yes. That was basically my concern, as well. I guess with the volatility of gas prices going up and down, just to know that we have in place some type of a contingency plan that takes that into consideration so that we're not coming back with amendments every Board meeting. Thank you."

Chairman Eaves - "All right. Let's vote, Commissioners."

Clerk Massey - "That motion passes unanimously. Seven yeas, zero nays."

12-0363 Request approval of revenue generating contract, Facilities and Transportation Services Department, Bid #12ITB82333C-MT, Scrap Metal Removal with anticipated revenue in the amount of \$30,000 with Star Iron & Metal, Inc. (Atlanta, GA) to provide

scrap metal removal services for Fulton County, upon execution of contract with two renewal options. This is a revenue-generating contract. (APPROVED)

A motion was made by Commissioner Lowe and seconded by Chairman Eaves to approve. The motion carried by a unanimous vote of 7-0-0. Chairman Eaves, Vice Chair Darnell, and Commissioners Pitts, Hausmann, Lowe, Garner, and Edwards voted yea.

Mark Massey, Commission Clerk - "#12--0363. Request approval of revenue-generating contract, Facilities and Transportation Services, to provide scrap metal removal services for Fulton County."

Commissioner Lowe - "So moved."

Chairman Eaves - "Second. Any discussion? Let's vote."

Clerk Massey - "That motion passes unanimously. Seven yeas, zero nays."

12-0364 Request approval of recommended proposal, Superior Court, RFP #12RFP82470C-MT, Legal Services for Fulton County Family Law Information Center, in the amount of \$103,200 with Budget Professional Services (Atlanta, GA) to provide legal services for the family law information center, effective upon execution of contract through December 31, 2012, with two renewal options. (APPROVED)

A motion was made by Commissioner Lowe and seconded by Chairman Eaves to approve. The motion carried by a unanimous vote of 7-0-0. Chairman Eaves, Vice Chair Darnell, and Commissioners Pitts, Hausmann, Lowe, Garner, and Edwards voted yea.

Mark Massey, Commission Clerk - "#12-0364. Request approval of recommended proposal, Superior Court, to provide legal services for the family law information center."

Commissioner Lowe - "So moved."

Chairman Eaves - "Second. Any discussion? Let's vote."

Clerk Massey - "That motion passes unanimously. Seven yeas, zero nays."

12-0365 Request approval to award contract without competition, Atlanta-Fulton Public Library, 12SS83304B-TR, Haines Directories, in the amount of \$6,059 with Haines & Company, Inc. (North Canton, OH) to purchase multiple copies of Haines directories, effective upon BOC approval. (APPROVED)

A motion was made by Commissioner Lowe and seconded by Chairman Eaves to approve. The motion carried by a unanimous vote of 7-0-0. Chairman Eaves, Vice Chair Darnell, and Commissioners Pitts, Hausmann, Lowe, Garner, and Edwards voted yea.

Mark Massey, Commission Clerk - "#12-0365. Request approval to award contract without competition, Atlanta-Fulton Public Library, to purchase --."

Commissioner Lowe - "So moved."

Chairman Eaves - "Second."

Commissioner Garner - "I have a question."

Chairman Eaves - "Commissioner Garner, Commissioner Hausmann."

Commissioner Garner - "Yes. Hi."

Ms. Anne Haimes - "Good afternoon."

Commissioner Garner - "I have a question regarding this one and actually the next one. Is it possible to purchase these online? Are they available online or are we still having to purchase the hard copies here, since we're now in the age of technology everything is online?"

Ms. Haimes - "And that's an excellent question, Commissioner, and, yes, we have considered both of them online. Actually we have a resource reference USA, which overlaps with both Haines and Dun and Bradstreet in some areas. These -- in the case of Haynes directories, the online resource or the CD-Rom resource was not as effective as the paper resource. So we've chosen to limit the number of volumes that we purchase, but to still purchase the paper copies."

Commissioner Garner - "So this will augment what's online."

Ms. Haimes - "Correct."

Commissioner Garner - "Okay. Thank you."

Chairman Eaves - "Any further questions? Let's vote."

Clerk Massey - "That motion passes unanimously. Seven yeas, zero nays."

12-0366 **Request approval to award contract without competition, Atlanta-Fulton Public Library, 12SS83309B, Print Reference Directories, in the amount of \$11,305 with Mergent, Inc. (Fort Mill, SC) to purchase multiple copies of Dun & Bradstreet reference sources, effective upon BOC approval. (APPROVED)**

A motion was made by Commissioner Garner and seconded by Commissioner Lowe to approve. The motion carried by a unanimous vote of 7-0-0. Chairman Eaves, Vice Chair Darnell, and Commissioners Pitts, Hausmann, Lowe, Garner, and Edwards voted yea.

Mark Massey, Commission Clerk - "#12-0366. Request approval to award contract without competition, Atlanta-Fulton Public Library, to purchase multiple copies of Dun and Bradstreet reference resources."

Commissioner Garner - "So moved."

Commissioner Lowe - "Second."

Chairman Eaves - "Any discussion? Commissioner Hausmann."

Commissioner Hausmann - "Same question. You've investigated online applications here?"

Ms. Anne Haimes - "We have, Commissioner. And it's been -- essentially the same answer, that we've much reduced the number of paper copies that we do purchase. Reference USA does provide much of the information. There is a value though to the paper copy for historical reasons also."

Commissioner Hausmann - "So we can assume that, in general, you are looking at every area where you don't have to buy print copy that you could use an online copy."

Ms. Haimes - "You can assume that, yes, Commissioner."

Chairman Eaves - "Any further discussion? Let's vote."

Clerk Massey - "That motion passes unanimously. Seven yeas, zero nays."

COMMISSIONERS' ITEMS – UNFINISHED BUSINESS

Commissioners' Action Items

12-0337 **Request approval for Mr. Anthony Tony Anteau to be recommended to the Region III EMS Council for appointment to replace Mr. Reginald James. (Eaves) (HELD 4/18/12 by Board vote) (APPROVED)**

A motion was made by Chairman Eaves and seconded by Commissioner Edwards to approve. The motion carried by a unanimous vote of 7-0-0. Chairman Eaves, Vice Chair Darnell, and Commissioners Pitts, Hausmann, Lowe, Garner, and Edwards voted yea.

Mark Massey, Commission Clerk - "Commissioners' Items. Unfinished Business. **#12-0337**. Request approval for Mr. Anthony Anteau to be recommended to the Region III EMS Council for appointment to replace Mr. Reginald James."

Chairman Eaves - "Move approval."

Commissioner Edwards - "Second."

Chairman Eaves - "Let's vote, Commissioners."

Clerk Massey - "That motion passes unanimously. Seven yeas, zero nays."

12-0341 **Request approval of a Resolution restricting use of electronic wire transfers for travel advances. (Darnell) (HELD 4/18/12 for a lack of four affirmative votes) (HELD)**

A motion was made by Vice Chair Darnell and seconded by Commissioner Edwards to approve. The vote was 3-4-0. Vice Chair Darnell and Commissioners Pitts and Edwards voted yea. Chairman Eaves and Commissioners Hausmann, Lowe, and Garner voted nay. (MOTION FAILED FOR A LACK OF FOUR AFFIRMATIVE VOTES; THEREFORE, NO ACTION WAS TAKEN AND THIS ITEM WAS HELD)

Mark Massey, Commission Clerk - "**#12-0341**. Request approval of a Resolution restricting use of electronic wire transfers for travel advances. That's sponsored by

Vice Chair Darnell."

Vice Chair Darnell - "Yes. We had a discussion on this item at our last meeting. We have a situation here where, according to our regular policy, in order to receive travel advances for County sponsored business, we have two approaches we can, of course, use. The payment voucher, this is according to our regulations, or in the case of most departments we use travel packages. In 2011, we have seven employees who received an electronic transfer of a travel advance for a trip which they took to Brazil. May we have order, Mr. Chairman? And what we're asking in this particular Resolution is at the request of the -- well, we're asking that with respect to travel advances, whether to a foreign country or not to a foreign country, that electronic transfers would not be made for the foreign travel. And I move approval."

Commissioner Edwards - "Second."

Chairman Eaves - "Commissioner Garner."

Commissioner Garner - "I don't have an issue with electronic transfers because I think that is the way business is conducted now. But what happens? Mr. Manager, could you explain to me what happens when there is an emergency situation where we would need to wire funds?"

Mr. Zachary L. Williams, County Manager - "Wire funds for travel?"

Commissioner Garner - "In other words, I'm asking, do we have a process in place for that?"

Manager Williams - "Commissioner Garner, we do not have a specific process in place. The one instance that I'm aware of, which I was directly involved with and directed, was a circumstance where there were people scheduled to leave the country and had no other alternative. Whether that fits the clear definition of emergency, that's ultimately a judgment call. But there is nothing in writing that says when these circumstances happen, this is permissible or not permissible."

Commissioner Garner - "And is the situation that occurred, is this something that happens on a regular basis? Is it -- I mean, do we have a record of this happening?"

Manager Williams - "Commissioner, it has happened --."

Commissioner Garner - "Is it a problem?"

Manager Williams - "To my knowledge, it's happened once in the last four and a half years."

Commissioner Lowe - "In the last what?"

Commissioner Garner - "Thank you."

Manager Williams - "Four and a half years."

Commissioner Lowe - "Yeah. It's not enough to worry about it."

Vice Chair Darnell - "Point of order, Mr. Chairman. Would you ask Mr. Lowe to be recognized before he speaks?"

Chairman Eaves - "Commissioner Garner, are you finished?"

Commissioner Garner - "I'm finished. Thank you."

Chairman Eaves - "All right. Let's vote, Commissioners."

Clerk Massey - "It's a motion to approve. The motion to approve fails for a lack of four affirmative votes. Three yeas, three nays, zero abstentions; therefore, that item is held."

Commissioner Garner - "I just voted."

Clerk Massey - "Okay. Commissioner Garner said she just voted. Well, it's actually three yeas, four nays. That motion still fails for a lack of four affirmative votes; therefore, that item is held."

Chairman Eaves - "We would have to move denial for it to go away."

Vice Chair Darnell - "What's the next item?"

Chairman Eaves - "Next item, please."

COMMISSIONERS' ITEMS – NEW BUSINESS
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Commissioners' Action Items

~~12-0367~~ — Request approval of recommended proposal, Atlanta-Fulton Public Library System, RFP #11RFP80690K-MH (L006), Construction Management-at-Risk Services including Pre-construction Services, in the amount of \$40,000, and Construction Management Services for a percentage fee of 4.25% with C.D. Moody Construction Company, Inc. (Lithonia, GA) to provide these services in connection with the 15,000 square foot new Southeast Atlanta Branch Library. Effective

~~upon date of contract execution for three years until contract completion or as determined by the County. (CROSS REFERENCE: Item #12-0233) (Eaves/Garner)~~

***12-0367 Discussion regarding Item #12-0233. (Eaves/Garner)
(DISCUSSION CONDUCTED)**

12-0233 Request approval of recommended proposal, Atlanta-Fulton Public Library System, RFP #11RFP80690K-MH (L006), Construction Management-at-Risk Services including Pre-construction Services, in the amount of \$40,000, and Construction Management Services for a percentage fee of 4.25% with C.D. Moody Construction Company, Inc. (Lithonia, GA) to provide these services in connection with the 15,000 square foot new Southeast Atlanta Branch Library. Effective upon date of contract execution for three years until contract completion or as determined by the County. (HELD 3/21/12, 4/4/12 and 4/18/12 by Board vote)

***ITEM ADDED DURING THE ADOPTION OF THE REGULAR MEETING AGENDA. ITEM REPLACED/CORRECTED AS A DISCUSSION ITEM.**

Mark Massey, Commission Clerk - "Page 8, Commissioners' Items, New Business. **#12-0367**. Discussion regarding item **#12-0233**. That's the Atlanta-Fulton Public Library System, a request approval of recommended proposal for Construction Management-at-Risk Services including Pre-construction Services for the new Southeast Atlanta Branch Library."

Chairman Eaves - "Colleagues, as you know, we had quite a bit of discussion about this at the beginning of the meeting."

Commissioner Lowe - "Motion to approve."

Commissioner Edwards - "No, no, no."

Chairman Eaves - "Manager, just kind of outlay the process in terms of how the vendor was selected and how many meetings were held. Just give us some background information, please."

Mr. Zachary L. Williams, County Manager - "Thank you, Mr. Chair. This item has been, or another version of this item, but the same recommended vendor had been before the Board on three separate occasions, as a result of our standard open competitive process for soliciting vendors. This is part of the library program."

And then there's been discussion at the Board at three separate occasions."

Chairman Eaves - "All right. And so there was denial of this, no favorable -- obviously no approval of this and so, Mr. Attorney, we do have the ability to bring this back up for discussion."

Attorney Ware - "For discussion, yes, sir, you can discuss this item. It's on as a discussion item."

Chairman Eaves - "Commissioner Garner."

Commissioner Garner - "Yes. We've had a lot of discussion about this, and I just want to be clear, and I want it to go on record to say this. For me, this is not about the vendor. It is really about moving the process and getting a library -- getting work on a library in the district, District 6, that's needed. With this particular item, with this particular vendor, we got all of the information that was provided us. Everyone on this Board has their opinion and their vote on this matter. But I really didn't see any substantive or objective reasons why not to support this particular recommendation. But the point that I want to make is that there has -- I want to see some resolution in regard to this particular item as it relates to moving the process forward for getting a library in District 6. And we're talking about the Stewart-Lakewood Library here. Thanks."

Chairman Eaves - "And speaking of resolution, we can take action on this item today?"

Attorney Ware - "Currently, Mr. Chair, it's not on the Agenda as an action item."

Commissioner Garner - "Southeast."

Attorney Ware - "But if the Board -- the Board has a responsibility when matters come up through procurement to decide either to accept the recommendation to go to the second vendor or to reject all bids."

Chairman Eaves - "All right."

Attorney Ware - "So it could be placed on the Agenda as for that action, for the Board to decide what the Board wants, because it's in the Board's discretion how that proceeds once it appears. If there's no consensus then you could do that. But for today, Mr. Chair, it's not on for an action item; it's on for a discussion only."

Chairman Eaves - "So for any discussion item that we have, we can't take action on it?"

Attorney Ware - "You certainly can, but when you -- if the Board agreed to transmute what you're doing from discussion into action. But for purposes of this

Agenda, this one is just not on as an action item for today."

Chairman Eaves - "I understand that. I'm just saying that we've had discussion items before on the Agenda, and we've turned the discussion into an action."

Attorney Ware - "You have done that, Mr. Chair, and that process, if you do that, would just be a matter of the Board deciding not to follow its normal rules."

Chairman Eaves - "So we can decide to turn this into an action item today."

Attorney Ware - "Yes, sir, you could do that."

Chairman Eaves - "All right. That's all I wanted hear. Thank you. Commissioner Edwards."

Commissioner Edwards - "I want to piggyback on what you just said that the Board has to decide to change its own rules to do that; right? That's key. It's very key. Ms. Whitaker, could you come to me -- come up for a minute. Help me with this discussion Ms. Strong-Whitaker."

Ms. Felecia Strong-Whitaker - "Yes, Commissioner."

Commissioner Edwards - "Ms. Strong-Whitaker, for the sake of the listening audience, we were able to find that one of the things we judge someone on is prior experience; right?"

Ms. Strong-Whitaker - "Past performance, yes."

Commissioner Edwards - "Past performance, rather. Would you tell us what has been the past performance of this vendor for the public's knowledge?"

Ms. Strong-Whitaker - "I think the overall -- on the three projects that we identified, one being Palmetto Senior Center and the other one was Adams Park and Southwest Arts. When we combine the total score, evaluation score, it was 2.44."

Commissioner Edwards - "A couple of questions. Before I noticed on the evaluation forms that they broke them down in percentages. Well, not percentages but, you know, .445, whatever. Okay. Is that the way we do things now, or that's the way we did it before?"

Ms. Strong-Whitaker - "That's the way they did it in the past. Now, we have it in a centralized database and it's either a one, or two, or three, or a four. And those -- those are averaged, but it's not a 2.35 or a 2. like it was in the past."

Commissioner Edwards - "For the sake of those who are listening, would you tell

me, what would a 2.4 be on the average of good, satisfactory, excellent?"

Ms. Strong-Whitaker - "In our -- our today's?"

Commissioner Edwards - "Yes."

Ms. Strong-Whitaker - "The way we have it is if you make a 2.5 or below there has to be a corrective action plan. And that's for vendors who are currently working with us. So if it's --."

Commissioner Edwards - "So if it was 2.5 or less?"

Ms. Strong-Whitaker - "Yes, you have to have at least a 2.5. If they don't have a 2.5 they have to submit a corrective action plan for the vendor for the County Manager's review."

Commissioner Edwards - "So this 2.4 that you're talking about was an average of all the prior experience we had. Is that correct?"

Ms. Strong-Whitaker - "Of the ones that we could locate, yes, sir."

Commissioner Edwards - "Was there any one of the four where a three or more was given? I mean, in terms of the bottom figure."

Ms. Strong-Whitaker - "I don't have them. And I had them for three meetings, but I don't have them with me."

Commissioner Edwards - "Well, let me ask you --."

Ms. Strong-Whitaker - "No, I think the highest score was a 2.8."

Commissioner Edwards - "You're right."

Ms. Strong-Whitaker - "Yes."

Commissioner Edwards - "You're right. It wasn't. All right. If we're not going to, Mr. County Manager, if we're not going to abide by what we say and we're looking at the prior experience, I don't know what y'all think we're going to use. If you've got a prior experience like that just trying to get a library built is not a good answer. These are public dollars we're spending, and we've got to do all the due diligence to make sure that we bring the right people in to perform the right jobs in doing what we have them to do. You were able to go back and find the other documents; right?"

Ms. Strong-Whitaker - "Yes. General Services did locate some additional documents, so we had a total of four."

Commissioner Edwards - "So in your opinion, were those documents revealed to you that the work that was done was satisfactory at best?"

Ms. Strong-Whitaker - "I'll leave that to General Services. I'll defer to General --."

Commissioner Edwards - "Well, to the point --."

Ms. Strong-Whitaker - "I'm sorry."

Commissioner Edwards - "What do the points indicate?"

Ms. Strong-Whitaker - "Oh the points, the points indicate average."

Commissioner Edwards - "On all four?"

Ms. Strong-Whitaker - "Yes."

Commissioner Edwards - "Below three. Below three. Let's -- below 2. -- well, one had 2.8. But I want you to hear that, average. Average on all four projects. Now, if I'm the number two person, and if I got, Mr. Pitts, I got a good prior experience, all right, but I'm not getting anything, and I've got a person who has on everything that we have done has been average, it just doesn't make a whole lot sense. But I'm going to shut my mouth and let the people hear it because either we're going to stick to the rules. The other thing is, if we go against our own rules, Mr. County Manager, Mr. County Attorney, today on a procurement item, if we change the rules on a procurement item, that is something that we don't need to do. On a procurement item, yes, we've done it on other things, but a procurement item you're playing with danger, and I will not have that kind of thing on me. Now, our Palmetto Senior Center, the performance was 2.2 at 65 percent, completed it was 2.6. On Southwest Arts Center it was 2.48."

Ms. Strong-Whitaker - "Correct."

Commissioner Edwards - "On Adams Park, it was 2.48. I didn't come with those figures. You didn't give those figures; did you?"

Ms. Strong-Whitaker - "No, sir."

Commissioner Edwards - "So I'm assuming that whoever gave these ratings was true, honest, and just about what they were doing because none of us up here did it. And this is the procedure that we take when we evaluate. Am I correct, this is the procedure we do when we evaluate people?"

Ms. Strong-Whitaker - "Yes."

Commissioner Edwards - "Y'all can play if you want to but this thing does not speak well of what we're looking for. I don't have anything against Mr. Moody. I've got to go by his figures. I've told y'all dear old Morehouse is good for the football game, but I have to go by based on the facts because that's what they asked us to do. Am I correct? They asked us to go based on the facts, not whether I can turn a library in 24 hours or not whether Mr. Moody and I are friends. We just go by the facts. So procurement in itself, based on these figures, procurement in itself said of all the work that has been done, it has been nothing more than satisfactory. Thank you."

Vice Chair Darnell - "Mr. Chairman."

Chairman Eaves - "Commissioner Garner. I'm sorry, Commissioner Darnell."

Vice Chair Darnell - "I would just like to say that I appreciate the fact that the County Manager and his staff went back and searched the files again, because when we first asked for information regarding past performance, we were told that there was no information. But apparently they did find performance evaluations for this contractor related to three contracts that he received from Fulton County within the last seven or eight years. I would like to add to the performance evaluation scores the comments that were made by the evaluator. We had a construction manager, I believe, who did the evaluation."

Ms. Strong-Whitaker - "Yes."

Vice Chair Darnell - "Is that correct?"

Ms. Strong-Whitaker - "That's correct, Commissioner."

Vice Chair Darnell - "It was not done in-house. With respect to Palmetto, his comment was, and there is a place on the performance evaluation form for your comments. Basically they ask, would you recommend this contractor? And the evaluator said, with respect to his evaluation of the Palmetto Senior Center in October 22nd, where the contractor received a 2.2 score, this contractor requires close supervision and adherence to controls. With respect to the evaluation of the Southwest Arts Center which, incidentally, the delivery date was June 7th, '01 and the project was completed in October 15th of '01, but following his evaluation of 2.48 the evaluator said the performance improved throughout the contract. And then finally, with respect to the Adams Park Library on the evaluation of 2.48, he says in his comment, generally, has been slow in conducting contract closeout but improved greatly during the closeout process. The other thing that I noticed from the record is how this government has responded with respect to a situation where a contractor has received not average, three is average, but below performances evaluations on three contracts. I would also like to point out to the Board and to the general public some interesting information that I noticed not relating to performance by the contractor but performance by this government. Even after

this contractor received below-average evaluations for the Southwest Arts Center, this contractor continued to receive contracts. In fact, according to the record, this contractor was awarded the Southwest Arts Center contract in October of '98 and in that same year, unless this record is wrong, this same contractor was judged the lowest and most responsible for another project, the Adams Park Library. He received two contracts in one year and then later received a third contract, Palmetto. Two contracts the same year, a third contract to Palmetto after major problems with pending contracts. I can understand why this contractor would be confused as to why he wouldn't be considered for this project when at least three times in the past he's received contracts, two in one year, when his performance has been below average. Excellence is the standard that people want in the expenditure of their tax dollars. And I said at the beginning that the only problem I had, and it was a serious problem, was that this contractor's past performance did not come up to the standard which we have every reason to expect when we are spending tax dollars to provide services for the taxpayers of this County. Commissioner Garner will tell you that the people in this area where this library's being built have some of the highest standards of excellence in this County that didn't all graduate from Morehouse and Fisk and Howard, but they still have high standards, and that's what Commissioner Garner's trying to get for her district, and I'm trying to get for mine, excellence. Someone said earlier, I think it was Commissioner Edwards, we shouldn't be in a situation where we have to read a contractor's performance record in an open meeting. This shouldn't have even been before us, Mr. Williams. And there is a difference between have you had project experience and what has been your experience with Fulton County. Those are two different areas. We shouldn't have to do this. I'm not comfortable doing it. The only factor I'll put above Mr. Moody's embarrassment will be the taxpayers of this County. Past performance is why I couldn't vote for this contract. And I'm going to determine in the future how it is that this contractor could continue to be awarded contracts over all the contractors who were trying to compete, minority and non-minority. Out of all the contractors who were trying to compete, he gets two in one year and never even made a three on any of them. That's not Mr. Moody's fault. I think we need to look within our own operation to see how that happens. We need to look on this Board and make sure our campaign contributions are not determining our procurement policy."

Chairman Eaves - "Commissioners, let me say a couple of things before Commissioner Edwards has the floor. I have concern about fairness and consistency. As the Manager explained, there's a process and proposals are reviewed, vetted, and a recommendation is made to this body. It's a process that's used for all the vendors, all the contractors who wanted to do business, in this case for the library. So for the most part, I'm hearing that the process that's in place has designed some sort of consistent measurement, evaluation, and then the process of recommendation. Then it comes to us, and we review it and make a decision. I will say that the level of scrutiny, the level of criticism that has been rendered against this recommendation has been off the chart, and it has been unfair. And I just, you know, I have a conscious. I can't imagine the way that this contractor,

this recommendation has been, in my opinion, maligned is just unfair. So, Attorney, we're discussing this issue so we can -- what are the options available to us?"

Attorney Ware - "For discussion, Mr. Chairman, the only thing you can do today is discuss. Certainly if the desire of the Board is to once and for all make a decision about what to do with this procurement, it could be put on for that decision, accept the recommendation, reject the recommendation and go to the second vendor, or rebid."

Chairman Eaves - "All right."

Attorney Ware - "That's the Board's decision."

Chairman Eaves - "So we have the ability to put this back up as an action item for next meeting?"

Attorney Ware - "The Board is required to make a decision when you've got a public procurement that makes the Agenda to decide one of those three things."

Chairman Eaves - "When you say decide, what do you mean by that?"

Attorney Ware - "Yes, sir. At some point, there has to be a decision made by the Board as to what to do with the procurement. It has to be an action item. Either accept --."

Chairman Eaves - "So it can be placed on the Agenda by anybody as an action item in the future."

Attorney Ware - "Well, I wouldn't say by anybody."

Chairman Eaves - "Commissioner Garner, myself, can put this on the Agenda as an action item at the next meeting?"

Attorney Ware - "I would say, Mr. Chair, that the procurement rules don't contemplate a Commissioner putting a procurement matter on for action."

Chairman Eaves - "Okay."

Attorney Ware - "But it could come up -- for example, in this case if the Clerk decided -- if the Clerk had left it on since there was no action last time, it was held, it could have gone on that way. It could be on the Agenda. It won't be, as I understand it from the Manager, it won't be as of his recommendation perhaps. But we could figure out a way to put it on the Agenda other than through a Commissioner. And then the Board could make the decision it's legally obligated to make."

Chairman Eaves - "Commissioner Edwards. Thank you."

Commissioner Edwards - "You can't put a round peg in a square hole. The Chairman talks about conscious for the person. I have a conscious for the people. Now, this has been a little bit different than other things we've had because you brought a procurement up here that you said we had no prior experience on. Do you remember that when it first came up? We had no prior experience. I raised the issue from my personal experience that we've had issues with this person. So, John, it's not like we had all the information or she had all the information when she recommended it to the County Manager. I will contend to you that had all the information been given to the County Manager at the time they brought it to him, he may have had a different opinion, but he did not have it. I raised the question, and since I raised the question it's gotten progressively worse. So I can't speak for him, but I know this, that none of us had, that was started off with this, none of you in the process had the information. So it's unfair to say that we followed the process and yada, yada, yada. No, the process failed us on this one because the information that was brought up, and then all of the sudden the rest of the information comes forward. It's just out of the blue here comes the rest of it. So it's not fair to conclude that this thing followed the regular procedures because it was not, because the information was not there. Now, either we're going to take this information and do something with it or we're not. And I think, Mr. County Attorney, you said it right, Commissioners can't put this on. You can't put this on. And unless you're going to sit up here and change the rules, I don't think you want to do that because people look at you kind of funny when you change the rules on this one, and you don't change the rules on -- I've never seen the rules change for any other procurement. People start looking at you kind of funny. So I don't know where we go from here. I'm just in the discussion. We can talk from now on until Sunday. But I know that this Commissioner needs a library built. But like Commission Darnell said, Commissioner Garner, your people they listen to this. It's on the record. It's on the record. And I assure you when things go wrong, the record will speak for it and the record will show what should have happened and we did not take advantage of it. Our policy says we look at prior experience. We didn't have it before, but when we found out the prior experience, then we should look at it and that makes the determination. I don't have anything personal. I wish people would stop making this personal. I'm just trying to be with the facts. You know, Moody, I know Moody. I've seen him around. He hasn't been to my house, of course; you haven't either. So I'm saying let's just look at the facts. Let's keep it based on the process looking at the facts and do the best job we can do for the people, based on what we have before us. Because Palmetto's in my district and the performance arts is in my district. The other one's in Commission Darnell's district. And we're just simply telling y'all -- I'm going to tell -- I'm going to leave this one fact for the record. It has to do with the Palmetto. Commissioner Garner, listen to this. On delivery day for Palmetto, only 65 percent of the project was complete. Explain that away. On the delivery date, only 65 percent was complete. It's enough here to raise a question and in the reasonable person's mind. It has

nothing to do with personality. If any reasonable person put these facts in front of them and he's going to ask the question, why are y'all fighting with that, why do you y'all want to change the rules for this. There's some underlying reason or rationale that we don't know about. And people will see this. They're going to see it all next week, won't they? They'll see it all next week. So I want to put all this stuff on the record. My last thing showed the 65 percent on Palmetto on the completion date. Thank you."

Chairman Eaves - "Commissioner Darnell."

Vice Chair Darnell - "I just wanted to get clarity from the County Attorney. You were discussing with Mr. Eaves methods by which this matter could be on the Board's Agenda for action. I didn't quite understand what you said."

Attorney Ware - "Yes, ma'am. The question the Chairman asked was, how could we finally move this along?"

Vice Chair Darnell - "Uh-huh (affirmative)."

Attorney Ware - "And my suggestion was that it could come back on the -- for the Board to make a decision that the Board only came make either to accept a recommendation, reject it go to the second, or rebid it. So it could come on back on, but not as a Commissioner item because our rules don't contemplate that."

Vice Chair Darnell - "How would it get back on the Agenda?"

Attorney Ware - "The only way it would, in the normal sense, would be that it would go back on from what it was on April 18th. It would just come back as an item that was held and not decided."

Vice Chair Darnell - "Either the County Manager puts an item on the Agenda or we put items on the Agenda, or both."

Attorney Ware - "Correct."

Vice Chair Darnell - "Which party would bring it back for --."

Attorney Ware - "I think in this instance, Commission Darnell, that the Manager could put it back on for action and he could include his recommendation for or against the item. But at least it would allow the Board to make the decision it's legally obligated to make -- to make a decision about the item."

Vice Chair Darnell - "I was trying to understand what you said about how it would get back on."

Attorney Ware - "Yes, ma'am."

Vice Chair Darnell - "All right. Thank you. Thank you."

Chairman Eaves - "Commissioner Garner."

Commissioner Garner - "Yes. As I continue to listen to this discussion, I am having concerns about our procurement process once again."

Commissioner Pitts - "Thank you."

Commissioner Garner - "It continues to raise flags for me. How many other vendors do we have that have records that have been average or below average that we can continue to use? Yes, we are signal -- I can't even say it."

Commissioner Pitts - "Singling."

Commissioner Garner - "Yes. This one vendor out -- singling this one vendor out, but it raises concerns for me. I know that we don't have a 100 percent complete record of vendors that have scored above average just based on statistics, I'm sure. So where are we, Mr. Manager, in our process for reviewing the procurement process? Really, this discussion that we're having is very troubling to me. And yes, Commissioner Edwards, it is personal. It is personal. We are singling out a vendor here. Let's be honest about that. It has turned personal, which it should not. We should be dealing with the facts in cases like this. So if you could tell me where we are in that process and if this is just a discussion, we could complete this discussion and move on."

Manager Williams - "Commissioner Garner, if I may, Mr. Chair. Commissioner Garner, the RFP was put on the street two weeks ago. It closes a week from this Friday, wherein we're soliciting vendors to essentially conduct the assessment, evaluation, and provide recommendations as it relates to the processes in the Purchasing Department. So I would anticipate getting something to the Board by probably mid to probably late June."

Vice Chair Darnell - "Mr. Chairman."

Chairman Eaves - "Commissioner Pitts, then Commissioner Darnell."

Commissioner Pitts - "But one item has been clarified and that is that this is only before us for discussion purposes, which is why I supported it at the beginning of the meeting today. But I really find this utterly ridiculous that we're still talking about this in violation of our own purchasing procedures. And I will restate again. This is not about C.D. Moody nor about C.D. Moody Construction Company. Nor is it about past performance on previous contracts that Mr. Moody has worked on with the County, because I have no information whatsoever. I have listened. But what it is about, though, is the process. And I'm begging you, I'm pleading with the

six of you. I'm urging you not, for whatever reason, to alter in any way our purchasing procedures. This has been before us any number of times, too long, too many times. And what we seem to be doing now is trying to find a way, and I'll go back to my Algonquin J. Calhoun quote, legally or illegally, and Kingfish chose the illegal way. But we have policies and procedures in place that have served us well, and I'm hoping that we will continue to abide by those procedures. Now, when we say, Mr. County Attorney/Parliamentarian, that no action, well, that's not really accurate. When there's a motion made and it does not receive on either side the requisite four votes, it fails. That's action. And that can happen three times. We're beyond that. So at this point in time, I think that we need to exercise what we talked about early. This Board has three options when a recommendation comes before us. One is to accept it as is, or you can reject it, or you can go into the next bidder -- qualifying bidder. And on that point, in this particular case, and again, it's not about Mr. Moody, but it's about the scoring. The truth of the matter is, of the bidders, six made the shortlist. The number-one ranked bidder had a score of 78.66. The number-two bidder had a score of 75.66. The number-three bidder of six, which was C.D. Moody, had a score of 74.96. But my point simply is, we need to be careful. We need to look at this. We may disagree with the way the evaluating -- and I do, that's a matter of public record. I have no confidence in these scores whatsoever, which is why I've abstained on all of them. But the scores are what they are. And if you're going to accept what they say, in this particular case, this particular firm was actually the number-three bidder, score, highest score, rather of six versus number one. So there's some leeway there; there is some room. And in the final analysis, I mean, logic, common sense has to prevail. We have to make a decision. You can't prolong this, I don't think, any longer to wait for four people to be here who you believe will vote for it. It has been clearly stated by the County Attorney that neither one of us has the authority to put it back on the Agenda. So what happens then? You get one or two people and go to the County Manager, and I want to use this, threaten the County Manager to put it back on the Agenda. Then you have the four votes and it's a done deal. But that flies in the face of everything that this County has stood for. If you go to any legislative body, whether it's the City of Atlanta or Cobb County or Gwinnett County, you name it, there are policies and procedures in place. And I'm simply pleading with you to follow our policies and procedures as they are currently before us. If we don't like them, let's review them and change them, but for now, they are what they are, and I would urge you again to abide by them and not try to circumvent what's before us for the benefit of a particular firm.

Chairman Eaves - "Commissioner Edwards."

Commissioner Edwards - "Let me say something because I want to squash this. This is not personal for me. The only thing that happened for me was I sat here and a presentation was made when I knew it was wrong. It was wrong. I knew it from my own personal experience that it was wrong. It doesn't matter who it was. Had this been full disclosure, I wouldn't have said anything. I would have just voted what my heart said based on the facts. Everything I've said here is based on

the facts. Where is the bill it's personal? It's not. It's just based on hardcore facts, and these are facts that cannot be refuted. You can't refute them. So I just want people to know I am not being personal. I think Mr. Moody's a fine guy. I've known him as an associate around the community and everything. But the fact that you said something that was not true, and I was not going to sit there and hold on it when I knew better. Thank you."

Chairman Eaves - "Vice Chair."

Vice Chair Darnell - "Yes. I'm not even going to comment on the point about it being personal. I have a record on this Board of doing everything that I can to ensure that the services that the people receive in my district and throughout this County are at the highest levels. So I stand on my record, and it's 20 years this year. I would say to anyone, any member of the Board, that if we have a contract before us where the recommended contractor has this kind of performance record, if you see that, Commissioner Garner, would you bring that to my attention and I will show you how I vote. The same way I vote on this one. Since I've been on this Commission, I've been on the short end of several 6-1 votes. I don't make my decisions based on individuals, not even those on the Commission. I do the best I can to get the facts, and I vote accordingly. I don't even respond to those kinds of suggestions about something being personal because I have a record that everybody in this County's familiar with that follows this Board. I think I will need, however, to respond to something I haven't already said and that is what others have done is not the standard that I'm comfortable with. Since I've been on this Board, we have had a Chairman of this Commission indicted and convicted. We've had members of this Commission indicted and convicted. If I was going to follow what. . . ."

Commissioner Lowe - "Of this Commission?"

Vice Chair Darnell - ". . . others have done --."

Commissioner Lowe - "You mean, this Commission we're sitting on today?"

Chairman Eaves - "Commission Darnell has the floor. Commission Darnell."

Vice Chair Darnell - "And we have some on their way. I have some jumpsuits. . . ."

Commissioner Lowe - "I'm --."

Vice Chair Darnell - ". . . that are orange upstairs in my office for them."

Commissioner Lowe - "-- souls sitting up here."

Vice Chair Darnell - "But the bottom line is --."

Commissioner Lowe - "Always talking about other Commissioners who had been indicted and then she said --."

Vice Chair Darnell - "We have certain values and beliefs and ideals that this community believes in from Alpharetta to Palmetto and Bankhead to Buckhead, and one of them is courtesy. And the other one is excellence. And so I believe that that's the standard that might stand us best rather than trying to conform to the worst, which we see in practice, even now. Why don't we aim for the highest? Why don't we be courteous and civil and careful and thoughtful when we spend people's money? I found out it works. It works. So what others have done on this Commission, I hate to bring it up because these were some dark days around here, can't be the standard for this Commissioner. I want to go higher and meet the standards that our parents and our grandparents established for us. Why don't we try to have a clean government? I think that's what we ought to aim for. Thank you, Mr. Chairman."

Chairman Eaves - "All right. Next item."

12-0368 **Request approval of a Resolution establishing guidelines for future sister-government relationships between Fulton County and international governmental entities. (This Item replaces Item #12-0292, which was held on 4/4/12) (Hausmann/Eaves/Lowe/Garner) (APPROVED)**

A motion was made by Commissioner Hausmann and seconded by Chairman Eaves to approve. The motion carried by a vote of 5-0-1. Chairman Eaves and Commissioners Pitts, Hausmann, Lowe, and Garner voted yea. Vice Chair Darnell abstained. Commissioner Edwards was present but did not vote.

Mark Massey, Commission Clerk - "**#12-0368.** Request approval of a Resolution establishing guidelines for future sister government relationships between Fulton County and international governmental entities. This Resolution is cosponsored by Commissioner Hausmann, Chairman Eaves, Commissioner Lowe, and Commissioner Garner."

Commissioner Hausmann - "Commissioners, this item has been slightly revised. It's in your packet. If you have any questions. We discussed it at length earlier, but I'd be happy to take any questions. If there's none, I move to approve."

Chairman Eaves - "Second."

Commissioner Lowe - "Second."

Chairman Eaves - "Let's vote, Commissioners."

Clerk Massey - "The motion to approve passes. Six yeas, zero nays."

Commissioner Edwards - "I'm holding."

Clerk Massey - "You're voting?"

Commissioner Edwards - "I'm holding."

Chairman Eaves - "Commissioners, we're going to -- sound the item, please. Or sound the vote."

Clerk Massey - "Commissioner Edwards, you're not voting? Okay. So that would be five yeas --."

Commissioner Edwards - "You have to correct it."

Chairman Eaves - "Commissioners --."

Clerk Massey - "That motion passes. Five yeas, zero nays, one abstention."

12-0369 **Request approval of a Resolution urging the Environmental Protection Division of the Georgia Department of Natural Resources to develop, adopt, and enforce regulations and policies to promote environmental justice for the citizens of Fulton County and the entire state of Georgia. (Darnell) (APPROVED)**

A motion was made by Vice Chair Darnell and seconded by Chairman Eaves to approve. The motion carried by a vote of 5-1-0. Chairman Eaves, Vice Chair Darnell, and Commissioners Pitts, Garner, and Edwards voted yea. Commissioner Hausmann voted nay. Commissioner Lowe was present but did not vote.

Chairman Eaves - "All right. Commissioners, we're about to lose a quorum. I want to see if we can get the action items out the way."

Commissioner Edwards - "What quorum are we losing?"

Chairman Eaves - "We're about to lose a quorum. We've got several action items."

Vice Chair Darnell - "Oh, I have one."

Chairman Eaves - "Let's see if we can get the action items."

Vice Chair Darnell - "I have an action item."

Chairman Eaves - "Just letting you know I'm about to lose a quorum possibly. I'm just letting you know."

Vice Chair Darnell - "What --."

Chairman Eaves - "Yeah."

Vice Chair Darnell - "Right."

Chairman Eaves - "I'm letting you know we're about to lose a quorum, and I would like for us to consider -- reconsider the Agenda and take action items before we lose a quorum at 3:00."

Vice Chair Darnell - "Before we lose a quorum?"

Chairman Eaves - "Yeah. We're about to lose a quorum, yes."

Vice Chair Darnell - "Who's leaving?"

Chairman Eaves - "Several of us are going to be leaving."

Vice Chair Darnell - "Oh, all right. Several of you. I want to announce to District 5, I'm not one of them."

Chairman Eaves - "All right."

Vice Chair Darnell - "I'm not one of them. I'm going to be here until we adjourn."

Chairman Eaves - "Sound the next item."

Commissioner Lowe - "Let's move this. . . ."

Commissioner Garner - "Let's just go."

Commissioner Lowe - ". . . meeting."

Commissioner Garner - "Let's just go."

Chairman Eaves - "Sound the next item, please."

Mark Massey, Commission Clerk - "#12-0369. Request approval of a Resolution urging the Environmental Protection Division of the Georgia Department of Natural Resources to develop, adopt, and enforce regulations and policies to promote environmental justice for the citizens of Fulton County and the entire state of Georgia. That's sponsored by Vice Chair Darnell."

Vice Chair Darnell - "Yes. Thank you, Mr. Clerk. I have sent you information regarding this particular item. In 1996, this Board adopted a policy that with respect to permitting and zoning we would be careful to observe the data which indicated that the citing of certain kinds of environmental stressors in certain neighborhoods could have a negative impact upon health. We had, at that time, staff to present data to us indicating that the landfills that we were approving, the sewerage treatment plants, hazardous waste sites were concentrated in certain areas. The staff told us in 1996 that minorities and low-income families were concentrated in the areas where we had these environmental stressors. Recently, a local environmental law firm, Greenlaw, has updated a lot of that information. What they have determined, and you heard the representative this morning, is that there are five hotspots in this metro area in terms of the concentration of environmental stressors in areas where minorities and low-income people live. One of those areas in the top five is located partly in Fulton, Cobb, and Douglas counties. I'd just like to make a note to the public that that noise you hear is Commissioner Lowe. The fourth hotspot on the list is located in the City of Atlanta in my district, around the Bellwood quarry and the Grove Park neighborhood. What the data show is that throughout the entire metro area, Atlanta area, there are five hotspots; one of them is in Fulton County. I think Lloyd would be pleased to know, however, Fulton County was singled out as the only government that has ever taken any steps to deal with this problem. What we're asking now is the State, if they would, they have the authority to enforce these environmental regulations that would have a positive impact on this situation. We don't have the authority to do it. So if we adopt this Resolution, we're saying respectively to State EPD, would you enforce the rules so that people who live near these environmental stressors would not continually run the risk of damage to their health through no fault of their own. I'll be happy to answer any questions you have about it. But this is old policy for this Board. We adopted it years ago, but we do need the State's help, and I think that unless we ask they have no way of knowing that the largest county in this state has a serious environmental justice problem."

Chairman Eaves - "If you can put a motion on the floor."

Vice Chair Darnell - "And I move. . . ."

Chairman Eaves - "Second."

Vice Chair Darnell - ". . . approval."

Chairman Eaves - "All right. Let's vote, Commissioners."

Commissioner Edwards - "I've got a question."

Chairman Eaves - "Commissioner Edwards."

Commissioner Edwards - "Commissioner Darnell, in your response you said something about we have a policy in effect. Does this add to that policy or is this just a new policy in itself?"

Vice Chair Darnell - "No. This is not a new policy. This is a request to the state saying basically we've done what we could. We have amended our zoning ordinances so that we are careful when we locate a sewage treatment plant. And we're saying to the State that we've done what we could, but we don't have enforcement power to deal with a business like some of those on Fulton Industrial that are emitting cancer-causing chemicals. So we're just asking the State to help us. They have in the past. EPA in Washington has strong rules on this. And some states are enforcing the rules, our state has not. What's wrong with asking them to do it?"

Chairman Eaves - "Commissioner Hausmann."

Commissioner Hausmann - "I appreciate the spirit of this. But I just want to share with the group that there are former landfills all over the area, including my district, that have lovely homes right up next to them that are now high schools, that are now athletic fields. So I think we should tread lightly here. I think this really should be reviewed before we hastily adopt something. There's a lot of information here to process. I would like to ask that we hold this."

Chairman Eaves - "Let's vote."

Commissioner Edwards - "No. No. Let's vote? I've got something to say."

Chairman Eaves - "Go ahead and say it."

Commissioner Edwards - "I see what Commissioner Hausmann is saying, but the biggest problem that we have is the fact that, yes, we may have them, but in African American and low-income communities, we have more than our share. Is that the findings you've come up with?"

Vice Chair Darnell - "Yes."

Commissioner Edwards - "We have more than our share. So maybe you do have some nice homes next to the landfill. But I guarantee you don't have as many landfills and other environmental stressors in your community that you would have in minority communities throughout this County."

Chairman Eaves - "Let's vote, Commissioners."

Clerk Massey - "There's a motion to approve. Motion to approve passes. Five yeas, one nay."

Vice Chair Darnell - "Thank you, Commissioners."

12-0370 **Request approval of the nomination of Mr. E. Joseph Sanders and Ms. Nancy E. Sellers to be appointed to the Region Three Department of Behavioral Health and Developmental Disabilities (DBHDD) Planning Board. (Eaves) (HELD)**

HELD AS REQUESTED BY CHAIRMAN EAVES.

Mark Massey, Commission Clerk - "**#12-0370**. Request approval of the nomination of Mr. E. Joseph Sanders and Ms. Nancy E. Sellers to be appointed to the Region Three Department of Behavioral Health and Developmental Disabilities Planning Board. That's sponsored by Chairman Eaves."

Chairman Eaves - "All right. I'm going to hold this item."

12-0371 **Request approval of a Resolution directing the County Manager to calculate the annual costs to Fulton County for collecting property taxes for the cities of Atlanta, Sandy Springs, and Johns Creek. (Pitts) (HELD)**

**A motion was made by Commissioner Pitts to approve.
(MOTION FAILED FOR A LACK OF A SECOND; THEREFORE, NO
ACTION WAS TAKEN AND THIS ITEM WAS HELD)**

Mark Massey, Commission Clerk - "**#12-0371**. Request approval of a Resolution directing the County Manager to calculate the annual costs to Fulton County for collecting property taxes for the cities of Atlanta, Sandy Springs, and Johns Creek. That's sponsored by Commissioner Pitts."

Commissioner Pitts - "Move approval."

Chairman Eaves - "Fails for a second. Next item."

Commissioners' Discussion Items

12-0372 Discussion: Fulton County's Chaplain's Office. (Pitts) (DISCUSSION CONDUCTED)

Commissioner Garner suggested the use of volunteers to perform the duties of the Chaplain.

Commissioner Edwards requested that the County Manager explore finding other temporary space for the Chaplain.

Commissioner Garner requested that all information requested by any Commissioner be distributed to the entire Board.

Commissioner Pitts requested more accurate and updated information on what surrounding counties are doing in this area.

Mark Massey, Commission Clerk - "Commissioners' discussion items. #12-0372. Discussion: Fulton County's Chaplain's Office. That's sponsored by Commissioner Pitts."

Commissioner Pitts - "All right. You will recall, hopefully you'll recall, several months ago we had a discussion about the Fulton County Chaplain's Office. Actually, there were several things that we talked about at that time, including the need for the office, the cost of the office, et cetera. And quite frankly, I was surprised at our last meeting to hear that a permanent Chaplin had been named, a fine fellow and probably deserving of the position, among others. But what we had said and decided several months ago was that we would have a discussion about that office and the need for it and the funding and so forth. We did not have that. And I'd like to know, first of all, regarding how many people, before we get to the specifics of it, how many people applied for the position?"

Mr. Zachary L. Williams, County Manager - "There was one, Commissioner."

Commissioner Pitts - "Only one person applied for the position?"

Manager Williams - "That's correct."

Commissioner Pitts - "Was it advertised?"

Manager Williams - "Yes, it was. It was advertised through our normal personnel process."

Commissioner Pitts - "And just one person."

Manager Williams - "That's correct."

Commissioner Pitts - "Okay. Number two. Regarding the office itself, can you talk to us about the budget for the office and how surrounding counties handle this same situation?"

Manager Williams - "Sure, Commissioner. The budget for the office is approximately \$500,000, \$250,000 of which goes to indigent burial. That's really the primary mission of the Chaplin's Office. As prescribed in State law, it's one of those mandated functions. Additionally, there are --."

Commissioner Pitts - "And the other \$250 goes to --."

Manager Williams - "Right. The other \$250 support the contracted staff. There are two full-time Chaplains, one now, a permanent position. The other one, a temporary position. Then there's an administrative support person."

Commissioner Pitts - "And how much are they paid of the \$250? You're saying \$250 goes for indigent burials. I'm not sure what the cost per burial is."

Manager Williams - "Well, the cost per burial we have -- the County has passed a Resolution that has established a maximum cost per burial at \$995 per adult and \$350 per child."

Commissioner Pitts - "So that would mean, just sort of doing the math in my head, that would mean that we would have at least 250,000 burials per year."

Manager Williams - "We have approximately 300 burials a year. In 2010 we had about 275. But. . . ."

Commissioner Pitts - "Okay."

Manager Williams - ". . . on average we, and a lot from Grady and --."

Commissioner Pitts - "Indigent Burials."

Manager Williams - "Yes, sir."

Commissioner Pitts - "Okay."

Manager Williams - "But the staffing, in terms of the percentage of the remaining \$250,000 that goes to staff, it looks like approximately \$150,000."

Commissioner Pitts - "For a Chaplin and two or three assistant Chaplains."

Manager Williams - "For a Chaplin permanent full-time, a Chaplin permanent part-

time, and administrative assistant."

Commissioner Pitts - "And what are those salaries? That's what I'm asking you."

Manager Williams - "Individual salary is for the temp \$52,000 and for the permanent is about \$60,000."

Commissioner Pitts - "And how many temporary -- I mean, part-time? Or is it just one assistant? One Chaplin and one Assistant Chaplin."

Manager Williams - "Yes, sir. In the past, up until this fiscal year, this was one full-time, two temps, two temp full-times. We have reduced the overall number of Chaplains by one full-time temporary position."

Commissioner Pitts - "Okay. And prior to this year, has the budget for the office been altered or reduced in any way?"

Manager Williams - "Yes, sir. It's been reduced approximately, I want to call it roughly \$60,000. Rough -- well, yeah, about \$60,000. The value of one full-time temp."

Commissioner Pitts - "And how do other counties, surrounding counties, our sister counties handle this situation?"

Manager Williams - "Sure."

Commissioner Pitts - "Recognizing that we're the largest. I understand that."

Manager Williams - "Right. Right. And we have some data where they have staff. Cobb County, it looks like they have an -- we know that they have an operating budget of \$30,000. They had a total of 43 indigent burials compared to our approximately 275 in the same time period."

Commissioner Pitts - "So Cobb County only has how many? 30 indigent burials per year and we have approximately --."

Manager Williams - "They had 43 and we have approximately -- we had 275. This is comparing their 2009 to our 2010 because that's the most recent data. But you see by far Fulton County --."

Commissioner Pitts - "Well, I understand. I just want to make sure I'm understanding it. So Cobb County has, for the sake of conversation, they have 50 per year and we have approximately 300,000."

Manager Williams - "No, no. 300 burials."

Commissioner Pitts - "Burials. I mean, burials."

Manager Williams - "Right."

Commissioner Pitts - "50 versus the 300."

Manager Williams - "Sure."

Commissioner Pitts - "Okay."

Manager Williams - "Yes, sir."

Commissioner Pitts - "And their budget for the 50?"

Manager Williams - "This shows \$30,000."

Commissioner Pitts - "Okay."

Manager Williams - "DeKalb County had an operating budget, this is their 2009 number, of \$130,000 and their average is 75 to 100 burials."

Commissioner Pitts - "Okay."

Manager Williams - "And Gwinnett had \$82,000, and we don't have data on their number of indigent burials."

Commissioner Pitts - "Okay. I'll stop for now."

Vice Chair Darnell - "Yes."

Commissioner Pitts - "I'll yield or now."

Vice Chair Darnell - "Okay. Commissioner Hausmann."

Commissioner Hausmann - "Thank you. So on this chart that we have in this memo where you say the total operating budget for --."

Commissioner Pitts - "Excuse me, I don't have the chart. What chart?"

Commissioner Hausmann - "I've got a memo that was dated May 1st with the breakdown. Do you not have that?"

Commissioner Edwards - "Yeah, I got it."

Commissioner Pitts - "When did you get it?"

Commissioner Hausmann - "I guess yesterday. It was in my material here."

Vice Chair Darnell - "Can someone get --."

Commissioner Pitts - "All right. I'll listen carefully."

Commissioner Hausmann - "Well, anyway it says on here that the operating budget is \$251,000 for Fulton; correct?"

Manager Williams - "Yes."

Commissioner Hausmann - "Compared to these other counties."

Manager Williams - "Yes."

Commissioner Hausmann - "The next highest is \$82,000 for Gwinnett, but that's not including the salaries; is that not correct for Fulton? Because on the budget sheet that's included in this material, it basically says that the operating expenses are \$251, but the salaries are \$284 for a total of \$537,000. . . ."

Manager Williams - "Right."

Commissioner Hausmann - ". . . on the department."

Manager Williams - "Yes, Commissioner. It's approximately half for burial and then the balances we were sharing for salaries and other standard --."

Commissioner Hausmann - "So, in fact, we're well outside of what other neighbors are paying if this is, in fact, their complete expense in this area."

Manager Williams - "Right. And without seeing the data, Commissioner, the \$251 that we list is our cost of burials."

Commissioner Hausmann - "But not salaries."

Manager Williams - "But not salaries."

Commissioner Hausmann - "Yeah."

Manager Williams - "So that's what I believe we're comparing our cost of burials to their cost of burials."

Commissioner Hausmann - "And I think that's really what we're getting at here is that the high salaries that are associated with this line item. My question is, have you solicited any volunteers to perform these duties? These very significant important duties, have we solicited volunteers from our religious community?"

Manager Williams - "Commissioner, we have not, to my knowledge, solicited volunteers for that. And we haven't thus far discussed doing it for the burials. We have certainly had conversation and I would be interested in the Board's input, in terms of a lot of the ceremonial things. The burials are scheduled every Tuesday and Thursday, and we probably could get volunteers, but certainly things like Board meetings or other, maybe other opportunities."

Commissioner Hausmann - "I actually think that our religious friends would welcome the opportunity to come speak at our meetings and offer their blessings to our proceedings. Personally, I think that would be a great outreach program in the community to bring in from all faiths someone to come in and give the invocation. So I think this is a very unnecessary expense, and I personally have experience with this. My father is a minister. He has done an awful lot of volunteer work over his career, gladly. That's why he is a minister. So I just would suggest that we could find a more economical and better way to do this service for the community than spend \$250,000 on salaries."

Vice Chair Darnell - "Commissioner Edwards."

Commissioner Edwards - "I don't want to seem insensitive, but why does the Chaplain need a physical office?"

Manager Williams - "One of the uses of the current space, and as my understanding has been traditionally the case, is there is a certain amount of employee counseling, EAP-like counseling that the Chaplain's office has provided historically and continues to provide. So --."

Commissioner Edwards - "Couldn't that be handled over at the Mental Health Department or something in a place over there?"

Manager Williams - "Yes, Commissioner, it certainly could be. Where the person is housed, so if the question is does it have to be in the current location, absolutely not. As a matter of fact, we were going to move it about three weeks ago and we found another solution. So it doesn't have to be where it is, but --."

Commissioner Edwards - "Because I remember the first time Pastor Henry came over to south Fulton. We gave him an office place over there to be in. He was never in it."

Manager Williams - "Right."

Commissioner Edwards - "And so eventually we just took it back."

Manager Williams - "Right."

Commissioner Edwards - "And it was all right with him that we did it."

Manager Williams - "Right. Right."

Commissioner Edwards - "He didn't need a physical place over there. I think that -- and when we're crunching -- I've gone around to departments whose people are really crunched for space."

Manager Williams - "Right."

Commissioner Edwards - "And so, you have an office over there for temporaries, so to speak, a lot of. . . ."

Manager Williams - "Right. Right."

Commissioner Edwards - ". . . temporary people, and in my mind I have not just rationalized why we need that space up there."

Manager Williams - "Right."

Commissioner Edwards - "All right. And so I would ask you to really look into that and see if we can get something different because even in south Fulton County, if I need the Chaplain, I just call him on his cell phone and he comes out and does whatever he needs to do. And so this Chaplain thing has grown out of proportion a little bit, I think, and we need to look at that."

Manager Williams - "Absolutely, Commissioner."

Vice Chair Darnell - "All right. Commissioner Pitts -- Commissioner Garner."

Commissioner Garner - "Yes. I'd just like to request a copy of the memorandum that you're referring to. I don't have it. I don't think Mr. Pitts has it. So if we could just get that information. I think for the future, too, if there's information that goes to the Board of Commissioners -- that Commissioner's request, if we could all get copies so that we can have it as a reference."

Commissioner Hausmann - "It did say that it was going to the entire Board."

Vice Chair Darnell - "Oh, did you want to be recognized, Commissioner Hausmann? Oh, you've already spoken without being recognized. All right. Mr. Pitts, you want to --."

Commissioner Pitts - "Mr. County Manager, I think you heard some of the concerns, and a lot of times I know you'll nod in agreement. And that's the end of it. But I would hope that you would take this conversation seriously. The money may be in place through the end of the year; however, I would think that if there are

actions that you can take prior to the end of the year that it seems to be the sentiment, at least, that you do so. Otherwise, come the 2013 budget, I think that's where the Board will have some significant input."

Manager Williams - "Sure. May I?"

Vice Chair Darnell - "Yes."

Manager Williams - "Thanks, Vice Chair. So absolutely, we will evaluate not only the office space issue, and that's something that we've actually been talking about very recently. I would like to get the Board's sentiment on the idea of guest pastors, for lack of a better, you know, to do the invocation. Is that something that the Board would be interested in us pursuing? It's really, I guess, looking for volunteers to do more of the things in that office."

Commissioner Pitts - "Well, I'll be happy to address that. I put on my hat when I was a presiding officer across the street. That's exactly what we did and the faith community, they were -- I don't ever recall -- because my chief then, well, she still is chief of staff. I don't know how they did it, but they would call around and we never had anyone turn us down. They felt very honored and privileged to come and address us. And it was, to quote you, an effort to reach out to the broader community. So I think there's some merit in that, personally."

Vice Chair Darnell - "I think it's probably consensus that you explore that for us and bring us that information back and let us see how that might work. Okay."

Commissioner Pitts - "Lastly. . . ."

Vice Chair Darnell - "Yes. Go ahead, Mr. Pitts, I'm sorry --."

Commissioner Pitts - ". . . I'd like more accurate and updated information on what surrounding counties are doing."

Manager Williams - "Absolutely, and we'll also provide the salary information for them, which I don't have."

Vice Chair Darnell - "All right. Thank you. Mr. Clerk, next item."

12-0373 Discussion: LINK trip. (Hausmann) (DISCUSSION CONDUCTED).

Mark Massey, Commission Clerk - "#12-0373. Discussion: LINK trip. That's sponsored by Commissioner Hausmann."

Vice Chair Darnell - "Commissioner Hausmann."

Commissioner Hausmann - "Thank you. Commissioners, I've provided for you the itinerary of the LINK trip for the April 18th through 21st trip to the Washington, Baltimore, and Virginia area that I attended last week, which was the reason I missed our last meeting. And I just wanted to provide that information to you for your review, and if you have any questions I'd be happy to entertain them."

Vice Chair Darnell - "Thank you, Commissioner Hausmann. Any questions? The LINK trip. All right."

Commissioner Hausmann - "Thank you."

Vice Chair Darnell - "Mr. Massey."

EXECUTIVE SESSION

Board of Commissioners

12-0374 Executive (CLOSED) Session regarding litigation (County Attorney) and real estate (County Manager) (CONDUCTED-SETTLEMENT APPROVED)

A motion was made by Vice Chair Darnell and seconded by Commissioner Edwards to approve the settlement of the Action Outdoor and Boardworks billboard cases on the terms negotiated, with payments over 3 years. The motion carried by a vote of 5-0-0. Vice Chair Darnell and Commissioners Pitts, Hausmann, Garner, and Edwards voted yea. Chairman Eaves and Commissioner Lowe did not vote.

Clerk Massey - "Madam Vice Chair, I believe the Board may have some Executive Session."

Vice Chair Darnell - "No action during the Executive Session."

Clerk Massey - "Okay."

Commissioner Pitts - "I thought there was."

Commissioner Hausmann - "None to vote on."

Clerk Massey - "I don't have anything further."

Commissioner Hausmann - "It's unnecessary."

Commissioner Edwards - "It wasn't necessary."

Vice Chair Darnell - "I think I have answered his question, but I appreciate the help. Mr. County Attorney. . . ."

Attorney Ware - "Yes, ma'am."

Vice Chair Darnell - ". . . is there a matter that we need to --."

Attorney Ware - "Yes, ma'am. There was just one, a litigation matter out of Executive Session. Mr. Massey. . . ."

Vice Chair Darnell - "All right. You have. . . ."

Attorney Ware - ". . . has the motion."

Vice Chair Darnell - ". . . that."

Attorney Ware - "I'll --."

Vice Chair Darnell - "Does that require a vote?"

Attorney Ware - "It does."

Vice Chair Darnell - "All right. Well, let me have that, please. All right. Mr. Clerk, I do have a motion out of Executive Session, and that is I move to approve the settlement of the Action Outdoor and Boardwalks billboard cases on the terms negotiated with payment over three years. That's my motion."

Commissioner Edwards - "Second."

Vice Chair Darnell - "You ready for the question?"

Commissioner Edwards - "Yes. Would you vote, please?"

Attorney Ware - "Thank you."

Vice Chair Darnell - "Would you sound the vote?"

Clerk Massey - "Yes, ma'am. That motion passes. Five yeas, zero nays."

Vice Chair Darnell - "Are there any other matters before this body?"

Clerk Massey - "No, ma'am."

Commissioner Edwards - "Yes, there is."

Clerk Massey - "I'm sorry. Your add-on. That's correct."

Commissioner Edwards - "You just got to be Clerk of the Year, now."

Clerk Massey - "Yes, there is a discussion item."

Vice Chair Darnell - "Mr. Clerk, is there another item?"

ADDED UPON ADOPTION OF AGENDA

12-0376 COMMISSIONERS' ITEMS – DISCUSSION: Explain the difference between a Health Fair and a Health Resource Fair. (Edwards) (DISCUSSION CONDUCTED)

Mark Massey, Commission Clerk - "Yes, ma'am. On the add-on memos for today, Commissioner Edwards has a discussion item. That's item **#12-0376**. Explain the difference between a Health Fair and a Health Resource Fair."

Commissioner Edwards - "I'll ask Dr. Harris to come down, please. Dr. Harris, I want to get some explanation because I had an idea of what we wanted to do on this Saturday in College Park Center. And to be honest with you, it didn't meet my expectations as to what I thought -- it's my impression that when we bought dental trucks, mammogram trucks, all these other things, that we use that for what I would call screenings. The impetus for me having that fair was out of the FRESH program there was a young man who was taking the GED and he was in pain because he had an abscessed tooth. But he didn't have the money to get his situation straightened out. And where a child is in pain, he's not going to function very well. That was the impetus for me having the fair so that we could probably look at the kids in the FRESH program. That was the whole thing, look at the kids in the FRESH programs to give them certain health screenings to see where they were. I was told once I got there that the only thing that we could do was pass out pamphlets and look at a film. The other thing I was told was that, well, I wasn't told it happened. Staff outside of your department actually went to West End Medical and asked West End Medical if could they come in and perform something as simple as blood pressure. So I'm a bit confused as to why I have all this expertise and I have all this equipment, but when we asked for services for our constituents, I get pamphlets. So I want you to explain that to me because maybe I'm missing something because that was not my request."

Dr. Patrice Harris - "Commissioner, I certainly apologize. We didn't -- if we didn't meet your expectations. As I'll talk about, the vehicles, and specifically, I must say,

I was not aware of the issue with the one child for dental screenings. But I can go back and talk to the planning committee about that. But we do have vehicles. They are old and in need of some repair, particularly, the dental vans. I actually talked to a Dr. Lewis earlier today about that. And she says one -- in one van the air conditioner doesn't work and then another van there is an issue I think with the air pressure. She also mentioned to me, but again, we will go back again, she mentioned that from an evidence base, or best practice type of deal, there are no operatory bays or that type of equipment to actually work on teeth. So what -- there is just a room for exam they can go in and tell someone, oh, you need to come in to the center. But they hadn't been providing any services. We don't have one of those mammography vans. I wish we did. But when the -- there -- our women's nursing health program goes out and use the van it's just really an exam room. They can come in and do self-breast exams and then we refer them to some folks depending on their insurance status for the actual mammography. And then the van that the STD uses, it's really an exam room. We bring in equipment to do HIV tests and some of those tests. So we don't have on our -- even the basic vans, again, that we do have are in need of repair. But don't have the ability to do the special services. I was talking to Dr. Lewis, the Dental Program Manager, said really the only thing that van has is a light that they can look in and see well into the patient's mouth, but they would have to come in for those services."

Commissioner Edwards - "Well, let's get off of the fact that we don't have, which is another problem, Mr. Manager. If we've got vans out there and they're in need of repair, all this stuff, craziness we're doing up here, why can't we repair those vans so they'll be able to go out to the community and render the services that we intended them to do? It doesn't make any sense. What are they, sitting around your office?"

Dr. Harris - "I believe they are parked at Jefferson Place. And we did start to look last year, Commissioners, on what would be the cost of getting some of those vans refurbished to do some things. But again, if we're talking about putting a mobile dental lab or -- that would be very -- we can get the cost of that."

Commissioner Edwards - "Okay."

Dr. Harris - "We'll get that."

Commissioner Edwards - "Let's put that to the side. That's an altogether different problem. I was at Impact at Fulton Industrial Boulevard, Commission Darnell's been there before too when Impact comes. Man, they've got everything. You can get screened for everything in the world by going to Impact once a year on Fulton Industrial Boulevard."

Vice Chair Darnell - "And most of it's our stuff."

Commissioner Edwards - "Most of it's our stuff. So why can't we have it when we want it? When we put in a health screening, don't tell me we don't do health screening and give me some pamphlets."

Vice Chair Darnell - "We do it at Impact."

Commissioner Edwards - "And then on top of that, I'm in a health building. I toured the whole building. I went up to the dental facility; your doctor was there. So I've got nurses around, Zach, but I'm passing out pamphlets. And that was not what I expected to see. So I want to know if Impact is using our stuff, when do we get to use it for our communities and for people like that young man who sat up there with that abscessed tooth and didn't have any money? But yet he came out to the health fair and got a pamphlet. That was not what I was looking for. And I just think we've got to do a better job in bringing services to the community. We do better with the Book Mobile. I guess we do. I haven't seen that lately either. But we shouldn't have, Zach, we shouldn't have mobile units sitting somewhere talking about we've got no air conditioning. Go ahead."

Manager Williams - "Thank you, Commissioner. And clearly, it sounds as if we needed to manage the expectations a lot better because I assure you we would not have gone into an event establishing a certain level of expectation when yours was different and clearly higher. And as you stated, we do on any number of occasions, provide testing and a myriad of other services, whether it's at FIB or Project Impact. We do it a lot. As it relates to the vehicles that are sitting, I couldn't agree more that we need to find a way to fund the refurbishment of those vehicles and put them to use, but it will take capital funding; it will take operating funding."

Commissioner Edwards - "Let me just tell you this. There was no doubt in anybody's mind what the expectations were. But we were told that that's not what we do and that the only thing we could do is to give out some resource material. So it was very clear about what the expectations were. I'm not a healthcare person, but my expectation when I say come to the health fair screening deal, I expect to find something more than you pumping my arm up for some blood pressure. HIV, I mean, I'll go in for HIV everywhere; they have those things available. And on top of that, I was inside a health facility and everybody who worked in that facility knew what my expectations were because they kept apologizing to me. Go ahead."

Manager Williams - "Well, Commissioner, I'll have to take a look at the after action on this specific one. But something that I will continue to encourage and I think that the Board would concur, that when we do not have the resources for whatever reason, if they're stretched or for whatever reason, we need to find and create opportunities to partner with others to come and bring their resources. So more and more as we continue, whether it's a health fair or any other activity, if we're able to partner with others to assure that the resources are brought to bear for the

community, then that's what we want to do."

Commissioner Edwards - "Zach, let me tell you something. It was our outside people, people from the Children's division who went outside and found somebody to give some blood pressure checks, Zach. And that makes me mad because when I know the money we put in to this kind of stuff, and then we bring a house full of people over there and give them some pamphlets. We've put more money into the Health Department than that. That was not my expectation, and I don't think any Commissioner up here who would want to put on a deal like that that it would not meet their expectations either. But don't look at me in the face and tell me that we've got to control our budget. We've got overtime and all this. I've heard it all. All this kind of stuff, when we're trying to do something that we as Commissioners promised the people as taxpayers that that's what we would do. Now, it's getting shaky. It's getting shaky, Zach. And I need to get some clarification on what's going to be happening with it because I want expectations met in my district, like she wants expectations met in her district and everybody else's. And some things need not be said because you're the professional. Now, that's all I'm going to say about it. I still don't understand what the difference is. But that's what we were told and we had to manage it that way. We had a pretty good turnout; we really did. But the fact of the matter is all they got, if they could get their blood pressure checked they may have gotten that. Other than that, they just got some pamphlets and didn't even get a chicken dinner. Thank you."

Vice Chair Darnell - "Any other comments or questions?"

Clerk Massey - "No, ma'am."

Vice Chair Darnell - "All right. We are adjourned."

ADJOURNMENT

There being no further business, Vice Chair Darnell adjourned the meeting at 3:32 p.m.

Respectfully submitted,

Mark Massey, Clerk to the Commission

Brenda Harris, Records Administrator

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